Restraining The Nation:

From '*Rule, Britannia!*' to '**Obey the Order!**'

The Hiden Genesis and Evolution of British
Preventive Justice

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NOTE FROM THE AUTHOR

This is a trial version of the book — a working draft intended to present ideas in progress. The subject it addresses has not been explored before, and its perspective challenges many entrenched notions and dismantles familiar stereotypes.

The author's sole purpose is to begin sharing these ideas with others and to leave a public record of them. Due to a combination of circumstances, the entire work has been undertaken single-handedly, without assistance or advisors.

The final edition may differ in structure, scope, and detail.

DEDICATION

I dedicate this work to my country, my people, and the Soviet school that shaped us. It was this upbringing that bestowed upon us unique qualities—insights and abilities capable not only of serving our own nation but also of guiding others, revealing the secret schemes of malefactors and uncovering truths that would otherwise remain hidden, so as to warn those who might fall prey to deception.

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I must also acknowledge the professional ingenuity of solicitors and barristers—including Siobhan Lomasney, Philip Morton, Rodri James, Nick Brett, Iain Wilson, Jude Allen, and Madhavi Kabra—who made certain that the system deployed its full arsenal: police officers, magistrates' courts, the Crown Prosecution Service, the Central Family Court, and even the Border Force, all directed against me, a foreigner with no ties to Britain.

Their most remarkable "achievement," from the perspective of a researcher studying abuses of preventive justice, was the securing of protective orders forbidding me, the respondent, from reporting crimes committed by their clients or by other unknown persons. These orders were even attempted to be enforced through the London police and Westminster Magistrates' Court, leaving a meticulous paper trail.

Receiving such an order as a researcher was, paradoxically, a perverse kind of achievement. It offered firsthand evidence of the system's capacity for self-destruction: a court, by issuing a legal instrument forbidding the reporting of crimes, effectively sanctioned obstruction of justice and witness intimidation. It was proof that the machinery of law, under the guise of protection, could be turned against its own principles. This experience confirmed what I had long suspected: in the realm of so-called "preventive" measures, there is nothing but intimidation—a sharp contrast to other, healthier and freer areas of British law.

Special thanks to John F. Abel, whose unwavering support and funding sustained a process that unfolded over more than ten extraordinary years.

INTRODUCTION

My interest in British law did not arise from lofty academic pursuits but from a rather brutal collision with it.

Around 2013–2014, I suddenly found myself entangled in what I would later come to recognise as *Preventive Law*—a self-contained body of rules operating by its own logic, quite detached from the principles that traditionally define justice. At the time, I had no idea such a thing even existed—nor, I suspect, do most British people today.

I too assumed that by receiving a restraining order I would be able to address the underlying injustice within the established framework of the law. Instead, the full weight of a repressive machinery—peculiar to this strange legal enclave—came crashing down on me, a Russian with no ties to Britain, living abroad. That this apparatus, designed with the British public in mind, should turn its sights on me seemed nothing short of a system error. I was unprepared. And it was a shock.

The British, however, have had decades to acclimatise. Since the mid-1990s, their justice system has been sliding deeper into absurdity.

If one were to pluck a lawyer or judge straight out of that era and drop them into today's "victim protection" processes, they would likely rub their eyes for hours, wondering whether they were dreaming—or had stumbled into a theatre of the absurd.

Why, after all, invent draconian court orders to defend hypothetical victims of undefined "crimes" such as *abuse*, *harassment*, or "*coercive behaviour*"? And how exactly did the so-called "*cost of abuse*" suddenly balloon to more than £80 billion a year in England and Wales alone—greater than the estimated cost of *all* other crime combined, including terrorism, violent assault, organised crime and fraud?

Why the military vocabulary? When did we begin to speak of "frontline agencies," "battlefields," and the "survival" of domestic abuse? How did "home sweet home" turn into a war zone, with social workers acting like intelligence officers, compiling reports as though they were gathering enemy data?

For today's Briton, this rhetoric may sound perfectly normal—until, of course, the full machinery of the system descends upon him personally. Then the reality hits: a crushing sense of powerlessness, a desperate urge to flee the country, to drown one's despair in drink, to lose one's mind, or even to end one's own life. Deep down, he senses the cold truth: against this apparatus, he is utterly helpless.

If a person is unjustly accused of theft, fraud, or even murder, there is at least a path to defend oneself: evidence can be examined, arguments made, justice pursued. But when the accusation is "emotional harm" caused by behaviour someone else arbitrarily defines as controlling, the system becomes a living trap—an immense, coiling serpent that engulfs its prey. From the very outset, resistance is futile; the rules are meaningless, and escape is impossible.

The Briton has already been conditioned to accept absurdity as normality, much like the proverbial frog slowly boiled in cold water. The temperature of that water has been rising gradually since the mid-1990s.

Hypocrisy has become so tightly woven into the fabric of everyday life that to step back and call it what it is—to recognise the absurd—has become almost impossible. The endless discourse about pitiable "victims of abuse," the pious rhetoric of prevention, has long served to conceal the essence of things.

And yet, when the machinery—built to crush the British people—was, by some system glitch, turned against me, the effect was quite unexpected. Instead of intimidating me into silence, it awakened the instincts of a researcher. *What is this strange phenomenon?* I asked myself.

Not at once, but in time, I learned to see through the deliberately cultivated fog: the layers of hypocrisy, the grandiose words that sounded noble but meant nothing, the phrases that promised protection while tightening the trap.

In the end, when the truth finally emerged, it was much like the conclusion of Hans Christian Andersen's fable, *The Emperor's New Clothes*. For years, the crowd had dutifully praised the Emperor's magnificent garments—just as today they chant endlessly about the fight against "abuse." Then, at last, a single child spoke the simple truth: the Emperor has no clothes. In that moment, the illusion unraveled, and the spectacle of pretense was laid bare.

I, too, hope that this work might help Britons pierce the fog of pious rhetoric and recognise the truth: that beneath all the discourse of "protection," the thirty years of self-perpetuating campaigns, the billions poured into "combating abuse," the elaborate vocabulary of prevention—abuse, harassment, coercive and controlling behaviour—there is, in fact, nothing solid at all. It is a castle built on sand, an illusion sustained by rhetoric—like a narcotic, numbing critical thought, drawing people away from reality and making it impossible to perceive the world in its entirety.

What lies beneath the noble rhetoric is at once simpler and more sinister: a scheme—criminal in spirit if not in name—that has been quietly taking shape since the mid-1990s, not to protect, but to build a system rooted in control and fear. Preventive rhetoric served a single purpose: to act as a smokescreen for a malicious agenda. Manufactured threats were used to justify it.

The transformation of ordinary family conflicts into "domestic violence" was launched with a clear purpose: gradually, under the guise of protecting the "vulnerable" and responding to "emergencies", elements of *due process* were quietly stripped from the structure of Common Law. Those safeguards—long intended to prevent arbitrary power and malicious abuse against the individual—were dismantled piece by piece.

The chosen instrument was the restraining order. In every jurisdiction it had existed as a supplementary measure, attached to civil or criminal proceedings.

In England, however, by the mid-1990s it was elevated into a separate legal concept—entirely detached from both civil and criminal processes.

What had once been a routine legal tool had transformed into a battering ram, smashing through the foundations of common law. Over time, its force grew unstoppable, each strike toppling pillars that had stood for centuries, leaving a landscape of legal ruin in its wake.

At first it was used to regulate relatindhip between wife and husband, a move that provided the state with a pretext to intervene in the private sphere and undermine the family, and by extension society itself.

This was a hybrid creation: a *quasi-judicial* tool, civil in appearance yet carrying criminal consequences for breach.

From the moment family law was tasked with providing protection to alleged victims, this area of law—once limited to divorce and adoption—began its expansion. First it extended to regulating relationships with children, then relatives, then intimate partners, and eventually acquaintances.

The result was unchecked growth. The discourse continued to revolve around the word *family*, even as the practice had long since escaped its bounds. In my own case, for instance, I had no any ties in Britain whatsoever, and yet the full machinery fell upon me under the Family Law Act 1996.

The engine driving this erosion of Common Law safeguards was a peculiar institution: the Family Division of the High Court of Justice. It was here that the self-perpetuating process was first set in motion. A mutant structure, standing outside the ordinary framework of law, unanchored by territory or community, but cloaked in lofty notions and traditions whose roots reach deep into the past.

Feminists among the judiciary—or rather, some judges who saw personal advantage in presenting themselves as feminists—began creating precedents that would later compel Parliament to codify them into law. Once enshrined in statute, these principles were pushed further, gradually undermining the foundations of *due process*.

They began issuing practice guidance, which, through the efforts of lobbyists and media pressure, were later transformed into new legislation as well. Interestingly, guidance intended to prevent abuse of the law by false claimants disappeared without explanation. Judges who clung to the principles of common law found their careers stalled, while the rulings of local judges that sought to curb abuses were publicly criticised. They were

dismissed as outdated, old-fashioned, patriarchal, and indifferent to the suffering of victims of alleged crimes.

All new measures were first trialled in an even stranger structure, a sort of adjunct institution: the Principal Registry of the Family Division. Originally an administrative office for issuing probate documents, it had evolved into a *quasi-court*, issuing intimidating orders under the same principles, entirely in a one-sided manner.

Brick by brick, the safeguards of *due process* were dismantled. While these principles remained respected in other areas of law, a new domain was emerging in which such protections against abuse had effectively ceased to exist.

> *Do not be lulled into thinking that this area of law, devised to address "abuse," will remain neatly contained, like criminal, maritime, or administrative law—each existing in its own distinct sphere. Preventive law behaves more like a malignant tumour, creeping insidiously and sending metastases into other areas. Even supposedly healthy fields are not spared. Take criminal law: already, under the banner of "protecting victims of abuse," family law is infiltrating it, pressuring civil judges to determine the facts of rape, strangulation, violence, or assault. This has come to be known as the "incorporation of elements of criminal law into family proceedings. The disease spreads, reshaping the landscape of law itself, consuming boundaries and undermining the very principles that once kept justice coherent.*

I initially described this area as a *simulacrum of justice*, then as a *parallel system*, later as *preventive justice*, and finally as *preventive law*.

It is a distinct branch of law—like maritime, corporate, or electoral law—operating according to its own principles and rules. It is not, strictly speaking, family law. Traditional family law should continue to do what it has always done: divorce and adoption.

Preventive law functions differently.

It imposes prohibitions and restrictions on individuals under the pretext of protecting abstract persons from ill-defined "crimes" such as harassment, abuse, or coercive and controlling behaviour. This area of law bears about as much relation to the traditional justice system as electoral or corporate law does—essentially, it exists in a world of its own.

Consequently, anyone encountering a case in this field should understand its nature. They should not expect a wise and fair judge, capable

of examining the matter carefully and preventing abuse by the authorities or malicious actors. In this realm, the judge's role is entirely different: they are an administrative functionary, required to issue an intimidating order against you. Or, more accurately, they are not even responsible for drafting it themselves. They simply sign what has been presented by the applicant, a social worker, a third party, or the police. It is not their role to conduct questioning, review evidence, or hear both sides—they are there merely to sign.

Nor should one expect rational explanations from the police when pursuing such cases. If you are investigated for theft or assault, you can expect a reasonable explanation of what is required of you. But if you are subject to a PIN, a warning, or similar measures under the guise of protecting against harassment or abuse, do not expect anything rational: even the authorities themselves often have no clear understanding of why they are taking these actions or what exactly they expect from you.

So how was I able to perceive this reality and organise it in a way that others could not? How could I discern a system within the chaos deliberately seeded into this field—designed so that nothing concrete could be seen, described, or effectively challenged, while all appeared to hang coherently within a thick, enveloping fog of rhetoric?

I find the comparison with Dmitri Mendeleev apt. He observed patterns and dependencies among chemical elements within apparent disorder, composing the periodic table and elevating chemistry to a new level. This allowed him to predict how new elements would behave, just as I was able to discern the underlying system in the chaos of this area of law. Within this framework, the previously disconnected events and facts began to fall into place, revealing their roles in the broader structure.

The anguish and depth of my pursuit of truth seem almost inherited, as if I am walking a path laid out by my ancestors—echoing the tormented introspections of Dostoevsky's characters, preserved in the schools of my upbringing, unlike in Britain where the classics have largely been removed.

The chaos in this area of law is so profound that even those immersed in it—judges, prosecutors, and officials—often had little understanding of what was actually taking place. And if they did attempt to question the process, their actions were swiftly neutralised by well-rehearsed mechanisms, as if they had been knocked out by a metaphorical blow.

How did my research develop? It was a long and painful process, for no one had previously walked this path.

Yet a fortunate coincidence was that the system unleashed its full repressive and coercive force upon me.

It should be noted that this area, under the rhetoric of protection, would never have reached its current development and effectiveness without an army of solicitors and barristers, highly motivated to turn the weakening of elements of *due process* into a profitable business. They began offering services to intimidate individuals on behalf of their clients. These professionals propagated the idea that laws could be manipulated, courts deceived, and the police used as instruments of intimidation against people who were neither guilty nor even accused of any crime.

Their task was to communicate the perceived advantages to potential clients: that one could declare oneself a "victim" and exploit the law and courts with impunity. In my case, the fortunate circumstance was that the opposing counsels—driven by greed and emboldened by impunity—not only directed the full weight of this repressive machine against me but also carried out an extraordinary number of manipulations motivated by sheer avarice. I wish to name these barristers and solicitors: Siobhan Lomasney, Philip Morton, Rodri James, Nick Brett, Iain Wilson, Jude Allen, and Madhavi Kabra.

For years, these individuals continued to leave behind a trail of actions in the courts and with the police that, from a legal standpoint, clearly constituted abuse of law.

From the perspective of a legal researcher, their "success" was instructive: the greatest example of abuse within preventive justice was their obtaining of protective orders that forbade me, the respondent, from reporting crimes committed by their clients or by other unknown persons. They even attempted to enforce these orders through the City of London police and Westminster Magistrates' Court, leaving a paper trail of documentary evidence.

It revealed firsthand the system's capacity for self-destruction: a court, by issuing a legal instrument prohibiting the reporting of a client's crimes, effectively sanctioned obstruction of justice and witness intimidation. In other words, a judge was threatening a witness with punishment for doing what the law ordinarily requires—reporting a crime to the police.

The system, it seemed, was devouring itself: in the realm of so-called "preventive" measures, there is nothing but intimidation.

As part of an experiment, and to eliminate the possibility of error, I repeatedly reported to the court abuses that clearly amounted to the crimes of perverting the course of justice and witness intimidation, carried out through the use of official documents. I collected extensive documentary evidence and asked repeatedly: what am I supposed to do with this order? The response was silence. I was also unable to obtain clarification on the prohibitions themselves—which had been drafted by lawyers in deliberately confusing language—nor could I determine whether the order was temporary or permanent, nor secure the right to be heard.

Analysing my experience and the documents collected from various authorities, I concluded that this area of law is characterised by the complete absence of due process and constitutes a separate body of law in its own right.

But how did it come to pass that, in Britain, a normal country with normal people, such a deeply corrupt scheme could be realised?

This is what my book seeks to explore.

Part I

Before the Shift — Morality, Family, and Informal Control (Pre-1990)

Chapter 1

CULTURAL AND LEGAL BACKGROUND

This chapter explores:

- Society Before the 1970s: familial autonomy and pre-legal conflict resolution.
- Informal Restrictions on Violence: moral order maintained through custom, reputation, and communal expectations—without criminal law.
- Traditional Responses to Intra-Familial Transgressions: community arbitration, religious guidance, and reputational consequences.
- The Moral Framework: church, conscience, and communal discipline as the cultural ecosystem maintaining social order.
- Before the Language Shift: how the term *domestic violence* replaced older notions like quarrel or discord, embedding asymmetry and punitive logic.
- Magistrates' Courts as Heirs to Community Peacemaking: mediating family tensions and bridging formal law with community values.
- From Pillar to Target: the state's changing attitude toward the family—from a foundational institution to a site of potential harm requiring regulation and intervention.

Introduction

When the Family Was Still Private

Today in the UK, fighting family abuse has become an entrenched part of everyday life. Most citizens now take for granted the presence of an entire ecosystem of "protection": armies of social workers, helplines, support charities, domestic abuse advisors, child psychologists, safeguarding professionals, family liaison officers, legal firms offering their services to victims, and online campaigns telling adults and children alike to "recognise abuse", "trust your instincts", and "call for help.»A raised voice, a slammed door, a harsh word—and two police cars might arrive, long after the quarrel has fizzled out. In many households, the shadow of surveillance—legal, psychological, bureaucratic—has become normal.

But it wasn't always this way. In fact, this system is relatively new. Only a few decades ago, Britain was a very different place—not only legally, but socially, morally, and culturally. Conflict within families did happen, as it always has. But it was not treated as a crisis requiring state intervention. Nor was it recast through the language of trauma, rights, and professional expertise.

This chapter explores that earlier world. It does not seek to idealise the past, but to understand how society functioned before the shift—how people coped, what mechanisms were in place, and what forms of moral authority operated in the absence of today's institutional machinery.

Before the 1970s, family conflicts—whether between spouses or between parents and children—were widely seen as private affairs. Even physical disputes, what would now be labelled "abuse" were rarely brought to court or classified under specific legal doctrines. Instead, families were expected to resolve tensions internally or with the help of local, informal intermediaries: community elders, clergy, neighbours, and magistrates. These figures did not see their role as punitive, but as restorative. They aimed to preserve peace, not to punish one party or dismantle the household.

Was this system ideal? Of course not. But it was coherent, embedded in

a wider moral consensus that emphasised responsibility, reconciliation, and restraint. The family was viewed not as a battlefield of conflicting rights, but as a unit to be preserved for the sake of both social and personal stability.

This chapter asks a difficult question: Were the radical legal reforms of the late 20th century truly a rescue mission—or a redefinition? Was pre-1990s Britain really a land of silent female suffering, where children lived in terror, helpless before violent fathers? Or has that image been amplified, even mythologised, to justify a massive expansion of state authority over private life?

Understanding the logic of the older system is vital—not to return to it, but to ask what was lost. By re-examining how conflict and morality were managed before protective law, we gain perspective on the present. Were we truly liberated—or simply absorbed into a new regime of regulation and suspicion?

This chapter invites you to reconsider a forgotten moral landscape. Not a utopia, but a system in which order, responsibility, and community involvement played central roles. Before risk assessments and exclusion orders, before "support services»became mandatory, before family life was codified into bureaucratic categories—there was a different approach. It did not eliminate conflict, but it sought to manage it within the moral and social fabric of everyday life.

The Private Nature of Domestic Matters

Throughout much of the 20th century, family disputes were not treated as a distinct legal category but as internal matters. Two key principles underpinned this approach:

- A strong social taboo against "airing dirty laundry in public"— the belief that even serious domestic conflicts should remain private.
- The legal doctrine of universality — violence or assault was treated identically regardless of context, whether between spouses, neighbours, or strangers.

Before the rise of the "domestic violence»paradigm in the 1970s and 1980s, interpersonal conflicts within families — between husbands and wives, parents and children — were rarely seen as grounds for state involvement. Even when they involved shouting or physical altercations, they were generally handled privately. The police, courts, and legal system tended to hold back, operating under the assumption that the family, as the foundation of society, should be preserved — not dismantled through official intervention.

The reluctance to call in the state had deep roots in traditional life. A family quarrel was just that — a private matter, often loud but passing. People understood that human ties bend and twist, sometimes break, but often heal. Yet once the law stepped in — for example, through a criminal charge — no apology or change of heart could stop what followed. The state didn't understand moods, tempers, or reconciliations. Its machinery was built for uniformity, not nuance. Once it began to roll, it moved like a threshing engine — slow, heavy, and deaf to cries from either side.

This restraint was not merely legal but also moral, cultural, and institutional. British society maintained a clear boundary between public and private life. What happened at home was seen as a matter of personal responsibility, religious conscience, and local mediation — not state enforcement. The emphasis was on reconciliation, not punishment. Institutions such as magistrates' courts, church parishes, and neighbourhood elders often functioned as peacemakers, not enforcers.

Under this framework, an assault was simply an assault. Whether it occurred between spouses or strangers, the offence was treated identically in law. The nature of the relationship was not, in itself, a legal factor — although it might influence how the court interpreted the context or severity. The guiding principle was formal equality, not sociological categorisation.

At the time, British courts lacked specialised family divisions. Matters such as divorce or child custody were handled by general civil courts. As Lady Hale later noted, "Until relatively recently, family law focused on property, divorce, and children, but gave little attention to the protection of individuals within the family from violence" (*Brenda Hale, 2010)*

Police were similarly hesitant to intervene. A 1976 Home Office report

quoted one officer: "We were told to avoid intervening in family quarrels unless there was clear evidence of serious injury or a breach of peace." (Home Office, 1976)

Complaints were often dismissed with the instruction to "*go home and work things out,"* reflecting a broader reluctance to extend state power into the domestic sphere.

The Role of Moral Order, Community Discipline, and the Church

So how, then, was domestic conduct regulated? Before the emergence of formal legal mechanisms, families were embedded within informal structures of social regulation: neighbours, parish priests, elders, and extended kin. The local vicar often played the role of mediator, counsellor, and moral authority—a role later filled by a vast network of therapists, advisors, social workers, and police liaison officers.

These figures upheld ideals of patience, harmony, and mutual respect. Gossip, public shaming, and ostracism functioned as effective tools of discipline. In traditional communities, familial honour mattered; the reputational standing of a household was of real social importance. Community expectations reinforced the authority of parents—especially fathers—while also holding them accountable. As historian Joanna Bourke writes: "The church's role in disciplining family conduct faded with secularisation and the rise of professional social work, leaving a gap in moral and social authority" (Joanna Bourke, 2007)

But what happened when violence did occur? Were victims left alone, without help?

Despite the absence of formal shelters or legal protections, victims were not left on the street. Extended family members, neighbours, or community elders typically stepped in. A mother with children would often return to her parents or seek refuge with siblings. It was a moral duty—not a matter of public policy—for relatives to "have a word" with the offending husband and restore order. Direct confrontation, warning, or intervention

by respected male relatives was common. These actions were informal, but rarely ineffective.

Calling the police was rare—and often viewed as inappropriate for adults. It was a shame, akin to a child "telling on" a parent. Instead of escalating conflicts through external authorities, communities upheld strong but flexible systems of moral persuasion, bringing about change while preserving family integrity.

Long before legal protection, domestic order relied on culture—not law. Shame, loyalty, tradition, and honour regulated behaviour. Fathers may have been heads of households, but they were still embedded in webs of social accountability. These unwritten codes functioned as real constraints—stronger in some respects than formal legal ones.

Industrial North:

Working-Class Solidarity and Street-Level Justice

In the industrial towns of northern England—such as Manchester, Sheffield, or Newcastle—working-class communities developed strong internal codes of honour. Social proximity bred mutual surveillance: neighbours knew one another's business, and abusive behaviour often attracted swift communal censure.

If a man was known to beat his wife regularly, he could find himself the subject of ridicule in the pub, excluded from workplace camaraderie, or even physically confronted by male neighbours. In some cases, groups of women from the street would stage a direct protest—publicly shaming the offender by banging pots outside his home or reporting him to his employer. These were not institutional responses but moral performances: mechanisms of public correction embedded in working-class honour codes.

As one oral history of 1950s Salford recounts: "Everyone knew what was going on behind closed doors, and sometimes the women would band together and give a man a right talking to—or worse." (Salford Oral History Project, 1989)

Rural Wales:

Elders, Chapels, and Kinship Expectations

In rural Welsh villages through the 1940s and 1950s, domestic order was maintained through close kinship ties, religious observance, and local memory. Nonconformist chapels played a vital role—not only as places of worship, but as centres of moral teaching and dispute mediation.

Pastors or elders would often visit families experiencing discord, offering spiritual guidance and urging repentance and reform. Reputation in chapel was everything. If a man was known to be harsh or violent, he might be denied leadership roles, excluded from communion, or publicly rebuked. Religious disapproval carried serious social consequences.

As historian Angela John notes in her study of Victorian and Edwardian Wales: "The chapel was not just a spiritual refuge but a moral court, quietly regulating behaviour behind the scenes."(Angela John, "By the Sweat of Their Brow", 1984

Irish Catholic Families:

Priesthood, Patriarchy, and the Confessional

In Catholic Irish communities—both in rural Ireland and among immigrant populations in cities like Liverpool or Glasgow—family life was shaped by patriarchal norms, but also by strong religious obligations. The parish priest was a towering moral figure. Confession, catechism, and Sunday mass reinforced a framework of self-discipline, especially for men.

The ideal of the father as both protector and provider was reinforced from the pulpit, but priests could and did intervene when private life veered into violence or neglect. A priest might speak privately to a man after mass, warn him of the sin of cruelty, or threaten exclusion from the sacraments. Though the Church did not publicly shame, its influence was decisive. In many cases, it was stronger than the state.

An Irish Catholic woman from a 1960s Glasgow family recalls: "You didn't call the police—you called Father Kelly. And if he spoke to your husband, that was usually the end of it." (Glasgow Women's Oral History Archive, 2001*)*

The Decline of Informal Systems

By the 1980s, however, these informal systems were in steep decline. Secularisation, urban mobility, and the rise of professional services hollowed out the traditional sources of moral discipline. Vicars, elders, and matriarchs no longer held the same authority; social workers and psychologists replaced them. What had once been embedded moral regulation was now pathologised as dysfunction or abuse—and referred to state agencies.

As historian Joanna Bourke observes: "The decline of the Church and rise of the welfare state severed the organic ties that once linked moral authority, familial responsibility, and communal response» (Joanna Bourke, "Rethinking Domestic Violence", 2007)

Conclusion: Law as Replacement for Culture

What replaced the organic web of trust, shame, and moral instruction was a formalised, bureaucratised regime of surveillance and sanction. It was no longer a brother, neighbour, or priest who intervened, but a social worker, police officer, or family court judge. And unlike the former, these new agents were not embedded in the life of the community. They operated according to policy, not personal knowledge or shared values.

Whereas informal systems were relational and restorative, formal systems became impersonal and adversarial. The language of sin, shame, and duty was replaced by that of risk, safeguarding, and coercive control. The shift from culture to law marked not merely a change in method, but a profound transformation in the nature of authority itself.

Traditional Responses to Domestic Violence: Informal but Effective

But what happened when violence *did* occur? Were victims simply left alone?

Despite the absence of formal shelters or legal protections, the notion that victims were abandoned is historically inaccurate. There existed robust, albeit informal, support mechanisms that could be activated when boundaries were crossed.

A woman facing abuse might turn to her father or brothers. Extended family, neighbours, or local elders could step in to confront the offender—often directly and forcefully. Intervention by a respected male relative was considered both legitimate and effective. Confrontations could involve stern warnings, negotiated apologies, or even physical intimidation of the abuser if necessary. These interventions were not sanctioned by the state—but they were part of the moral economy of responsibility.

A mother with children would often return to her parents' home, at least temporarily. The concept of kinship refuge was central: it was understood that family would "take her in.»It was not charity—it was obligation.

Victims also relied on women's informal networks: older female relatives or neighbours offered advice, refuge, or mediation. Church women's groups occasionally intervened, offering both spiritual and practical support.

Calling the police, in contrast, was rare. It was often seen as a betrayal of the family unit and a sign of failure. As one post-war community activist recalled: We didn't call the police unless it was truly out of hand. You called your uncle or your neighbour. Someone who knew the people involved. The police wouldn't have helped—they'd just make things worse." (Oral History Interview, North London, 1983)

While these systems were far from perfect—and certainly didn't eliminate harm—they provided a form of flexible, relational justice. Their goal was not punishment, but restoration of peace and familial continuity.

These practices remind us that state absence did not equal social absence. Long before legal protection, domestic order was maintained not by coercive law, but by culture, honour, and embedded moral relationships.

State Response to Domestic Disputes:
The Historical Role of Magistrates' Courts

Before the legal concept of *domestic violence* gained ground in the 1970s–1980s, marital quarrels were not treated as a distinct legal category**.** Instead, such disputes were understood as part of broader public order concerns. The state did not respond through dedicated family courts but rather through magistrates' courts, which had inherited the traditions of local justice.

Magistrates' Courts as a Continuation of Communal Justice

Magistrates' courts were lower courts presided over by lay judges—Justices of the Peace (JPs)—drawn from respected members of the local community. In both spirit and function, they continued the legacy of local elders and peacemakers who, before the establishment of a formal judicial hierarchy, resolved interpersonal conflicts not through punishment, but by restoring harmony within the community.

These courts embodied the ethos of communal morality. Closer to the people than centralized institutions like the Family Division, magistrates' courts handled not only minor offences but also domestic disputes, public arguments, drunkenness, and general breaches of the peace—often from a moral rather than criminal standpoint.

Summons for Assault: A Minimal Response to Domestic Disputes

If a woman complained about her husband's physical aggression (common assault), she could file a summons with a magistrates' court. This was not criminal prosecution in the modern sense—it was a civil petition often handled with a reconciliatory tone. Arrests were rare.

Most such cases ended with a verbal warning, a small fine, or public admonition. A common phrase spoken by magistrates was: "Go home and behave yourselves."

Thus, the purpose of justice was not to destroy the family, but to prevent further breakdown.

Peacemaking, Not Policing

The magistrate's role in family disputes was not to apply force, but to intervene morally. They did not issue restraining orders, enforce protective measures, or strip parental rights. Instead, they acted as community

mediators, carrying forward the ancient function of the council of elders—now within a quasi-legal framework.

Before them stood a human being, not just a case file. This was in contrast to institutions like the Family Division of the High Court of Justice or the Principal Registry, which evolved from ecclesiastical and bureaucratic traditions rooted in documents, moral abstraction, and detachment from living social relations. While magistrates were physically and socially embedded in the community, the new family justice system emerged as a centralized, isolated apparatusdesigned to recode family life into legal process.

Protective Orders: Rare Before the 1990s

Until the Family Law Act 1996, magistrates rarely used coercive measures. They did not function as systematic protectors of victims. Only in the 1990s, amid the expansion of the domestic violence doctrine, were magistrates granted powers to issue non-molestation orders and occupation orders—administrative intrusions into private family life.

Conclusion

The historical role of magistrates' courts illustrates that the state's response to family conflict was long reconciliatory rather than punitive. Magistrates acted as community intermediaries, voices of common sense and local morality—not as enforcers of centralized authority.

A sharp reversal occurred only in recent decades, when domestic quarrels were redefined as violence, and magistrates became agents of a new legal machinery geared toward "protecting the vulnerable»through preventive control. This shift laid the foundation for a paralegal system built on fear and uncertainty, where a citizen no longer knows when or for what they may be punished.

The State's Changing Attitude Toward the Family: From Pillar to Undermining Force

Until the 1970s, Britain held a strong legal, moral, and political consensus regarding the family as the cornerstone of society. The family was viewed not only as a private domain but as a foundation of public order, moral stability, and civic virtue. The collapse of the family was seen as a threat to the very fabric of the state.

Legal and Moral Doctrine: Preservation, Not Disruption

English law, up until the 1960s, aimed to preserve families, not dissolve them.

Divorce was permitted only on narrow grounds (e.g., adultery or cruelty) and was seen as an unfortunate exception.

Even magistrates' courts saw their role as preventing familial breakdown, especially for the sake of children. Marriage was understood as a social duty, not merely a contract between individuals.

"The family is the cornerstone of society."

— A widely repeated phrase in British political and legal discourse.

The Church's Role: Moral Authority and Mediator

The Church of England (and Christian tradition more broadly) provided the moral foundation for family life. Marriage was considered a divine institution based on fidelity, love, and responsibility. Clergy not only conducted weddings, but often served as moral arbiters in marital conflicts, dissuading couples from separation and promoting reconciliation. Such ethical guidance was part of public culture, and family disputes were moral, not legal matters.

Political Consensus: Family at the Nation's Core

Across the political spectrum—from Labour to Conservative—leaders emphasized the family's centrality.

"There is no such thing as society. There are individual men and women, and there are families."

— Margaret Thatcher, 1987

This often misunderstood quote actually underscores the primacy of the family as the essential site of responsibility and care.

A strong family was seen as a guarantee of:

- law-abiding citizens,
- transmission of work ethic,
- and broader social stability.

"Strong families make strong nations."

— A common campaign slogan in the 20th century.

The Family as a Social Regulator

The family was viewed as a natural system of discipline and care.

A man, upon becoming a father, was expected to assume moral responsibility and social order. A woman, as caretaker of the home, created a moral center and cared for the children.

This structure balanced aggression, chaos, and isolation, serving as a preventative mechanism for societal breakdown, with "Broken homes produce broken lives" being a frequent refrain in mid-20th-century judicial and educational rhetoric.

The Turning Point: From Preservation to Disintegration

From the 1980s onward—especially by the late decade—government policy dramatically shifted. Law became a tool for fragmenting, rather than preserving, the family.

- Parental authority was undermined,
- Children were removed under administrative pretexts,
- Spouses were set against one another via separate proceedings,
- Magistrates were shifted into quasi-policing roles.

Protective measures evolved into punitive tools, where any act could be construed as violence, and any conflict as grounds for exclusion. This triggered a regime of fear, uncertainty, and arbitrary justice, where people no longer knew when or why they might be punished.

Why This Matters

The history of the state's relationship with the family shows that legal systems can either be a pillar of support, or a mechanism of destruction.

Before the state began to protect families through systematic intrusion, it had long supported society by safeguarding the family structure.

Understanding this historical evolution is essential. Many modern institutions—such as the Family Division, protective orders, and administrative tribunals—are not continuations of past tradition but ruptures with it. They represent a drift toward simulated justice, where human reality is replaced by systems of control, fear, and punishment.

Chapter 2

THE RISE OF FEMINISTS:

The Threat to the Social Fabric That Was Never Nipped in the Bud

This chapter explores:

From a circle of caring women to a major political and legal force: tools, methods, and key arenas they used to fundamentally transform society's social fabric and institutions.

I. Techniques of Manipulation

- Anonymous "victim testimonies" insulated from verification.
- Moral demagoguery – dissent framed as hostility to women's rights.
- Mantra-like slogans ("zero tolerance," "believe the victim") used as incantations.
- Value-laden terminology ("victim," "survivor," "trauma") shaping perception.
- Shaming and ostracism of dissenters.
- Aggressive campaigning (petitions, protests, media pressure).
- Terminological manipulation – transplanting criminal law terms into civil context.

- Emotional imagery – recurring battered women narratives to create urgency.

II. Arenas of Application

- Parliament – staged hearings, rhetoric codified into law, debate replaced by moral dictate.
- Police – specialised feminist-trained units, rejection of conciliation, shift to quasi-judicial punitive role.
- Judiciary – extrajudicial orders, asymmetry of evidence, NGO tools integrated into courts, blurring civil/criminal lines.
- Family – erosion of paternal authority, suspicion/reporting culture, home redefined as site of surveillance.
- Church – pastoral mediation displaced, reconciliation teachings discredited, secularised crisis support.
- Global Networks – foreign funding, imported gender norms, human rights discourse used for domestic restructuring.

Introduction:

From Compassionate Reformers to Drivers of Social Disruption

The chapter the reader now holds addresses one of the most underestimated yet decisive transformations of the late twentieth and early twenty-first centuries: the evolution of feminist activism from voluntary support circles into a powerful political and legal apparatus that has redefined justice, reshaped the family, challenged the Church, recast education, and even re-engineered the very idea of victimhood. These developments also gave rise to a new legal and social paradigm—one that would ultimately pave the way for the expansive use of coercive control and preventive justice mechanisms.

What began in the 1970s as a spontaneous alliance of women confronting violent husbands had, by the 1990s, hardened into a formidable institutional structure, deeply woven into the machinery of the state. These once small, local groups had grown into disciplined armies,

complete with hierarchies and sprawling networks that reached into every sphere of public life. They established permanent lobbying arms in Parliament, exerted pressure on the Home Office, manipulated the judiciary, and secured entrenched positions within universities, the health service, schools, NGOs, judicial training systems, and even Church councils.

Like crusaders of old, they advanced with relentless zeal, brooking no dialogue, no dissent, no shades of nuance—only the certainty of their mission. And just as medieval crusaders destroyed all in their path in the name of Christ, these modern zealots dismantle institutions, traditions, and relationships alike in the name of a new creed: the cult of the "victim" of an undefined and ever-expanding notion of "abuse"—a cult they themselves first constructed.

They took control of language itself. The shift from "family conflict" to "domestic violence" altered not merely vocabulary but the legal paradigm. The centre of gravity moved from factual analysis to the designation of a "victim." In place of a balanced evaluation of family disputes came a structurally asymmetrical system, protecting one side regardless of evidence. From this emerged the ideology of preventive justice—a framework in which presumed vulnerability replaces proven guilt, and the injunction to "believe the victim" functions as a procedural commandment.

Yet society overlooked the most critical fact: in this model, "protection" is achieved through punitive restrictions imposed on the person labelled the perpetrator—restrictions enforceable under threat of imprisonment. Intimidation was rebranded as safeguarding. What is called the evolution of preventive justice is, in substance, the expansion of a coercive regime—an arsenal of intimidation and suppression by means of so-called "protective orders." What began as the prohibition of spousal assault (already criminalised under existing law) evolved, through the Domestic Abuse Act 2021, into a constitutional licence for the state to impose virtually any restriction on the rights and freedoms of a person not convicted—nor even charged—while depriving that person of the means to defend himself against the state's actions.

For decades, both society and international institutions indulged in a sentimental vision of these organisations as "compassionate women." Any

criticism of their methods triggered accusations of cruelty, sexism, or inhumanity. But after half a century, the façade has thinned. Behind the humanitarian rhetoric lay not only genuine concern but powerful ideological—and, perhaps, financial—interests. The alignment of their agenda with the strategic priorities of the Open Society Foundations, UN Women, the Ford Foundation, and others suggests that some quickly recognised in this movement a near-perfect instrument of social engineering.

The infrastructure built in the 1970s–1990s now paralyses the justice system, corrodes the presumption of innocence, replaces investigation with belief, and substitutes political narrative for truth. The distinction between criminal and civil law has been blurred beyond recognition; legal terminology has been hollowed out and refilled with ideological content. In traditional jurisprudence, a "victim" is a person against whom an unlawful act is alleged to have been committed. Today, the "victim" is whoever is designated as such for the purpose of imposing constraints on another—an individual conveniently recast as the "perpetrator."

The fabric of society itself has been rewoven. Suspicion is valorised; informant culture is cultivated. Where children were once taught to respect their parents, they are now encouraged to report them. Parental authority has been deliberately dismantled.

To cure a disease, one must know the moment of infection. Preventive justice did not descend from the clouds; it is not a theoretical abstraction. It is the product of a deliberate institutional and ideological evolution. Every effect has a cause: if rain falls on the streets of London, it is because water evaporated somewhere, sometime—such is the cycle. Likewise, today's regime of legal capture is not the offspring of recent parliamentary debates or newspaper campaigns, but of the seemingly well-meaning initiatives of the 1970s, dismissed at the time as harmless.

The doctrine of preventive justice—with its extrajudicial punishments, evidence-free restrictions, digital surveillance, and cult of victimhood—did not appear overnight. Its formal apex is the Domestic Abuse Act 2021, but its roots run far deeper. Under the banner of protecting the vulnerable, and in the shadow of the traditional courts, a parallel system took shape: administrative, punitive, operating on the presumption of danger, sustained

by fear, and legitimised by suspicion. This system does not guarantee rights; it nullifies them. Its function is not to protect, but to punish. Not to deliver justice, but to replace it. Not to demand evidence, but to act on emotion and "warning signs."

The ideological groundwork was laid when strands of feminist activism fused with state apparatus. In the decades that followed, billions—channelled through national budgets and international foundations—financed a sophisticated psychological, rhetorical, and institutional engine designed to dismantle traditional legal consciousness and fracture family bonds.

Society was trained to "recognise abuse," "spot the signs of rape," "trust the experts," and "act on the slightest suspicion." Reporting on a father, husband, brother, or teacher was reframed as a civic duty. This was hailed as a new morality. In truth, it was the morality of fear.

Many participants still believe they are serving the common good. They hand out pamphlets, attend seminars, and alert authorities "just in case." Yet in doing so, they become cogs in a machine that keeps society in a state of perpetual moral alarm—where anyone can be a potential threat, and any infringement of rights can be justified as "prevention."

They do not protect. They reinforce a machinery of administrative and punitive control, set in motion half a century ago. The Domestic Abuse Act 2021 is not a legislative misstep, nor an extraordinary emergency measure—it is the logical culmination of a process in which humanism was hollowed out and replaced with an instrument of mass governance.

In this chapter, we trace how seemingly harmless initiatives dismantled the law's safeguards, penetrated the police, subverted education, and strategically undermined the two great counterweights to state overreach—the Church and the family. What emerged is a morality in which suspicion outranks truth, and sentiment outweighs fact.

The author offers the first comprehensive study combining legal, political, and ideological perspectives to trace the feminist movement's role in reshaping British justice, family law, and social norms—an area previously fragmented across disciplines. The fact that no Briton, despite being directly affected by these profound transformations, has ever

managed to connect the dots underscores just how thoroughly silenced they have been.

From Solidarity to Statute:

The Early Women's Aid Movement and the Birth of Domestic Violence Law

The modern architecture of domestic violence support in the UK was born not in Westminster but in improvised kitchens and community halls where grassroots feminist activists gathered. It began with small groups of concerned women offering safety and support to those fleeing male agression. The foundational moment came in 1971, when Erin Pizzey opened Chiswick Women's Aid, the world's first refuge for battered women and their children. Within three years, nearly 40 similar shelters had appeared across the UK, culminating in the formation of the National Women's Aid Federation (NWAF) in 1974.

These early refuges were consensus-led, run by volunteers, and sustained by donations. They provided emergency shelter, emotional support, legal advice, and, crucially, a new moral claim: that society—not just the family—had a responsibility to protect women. As Pizzey later recalled, however, the original humanitarian impulse was soon overtaken by ideological forces:

> "I opened the first refuge in the world for battered women — and the feminists tried to hijack it. I wanted to help human beings in pain, but they wanted a war against men."
>
> — Erin Pizzey, Daily Mail, 2010

By 1974–75, the NWAF had become a political lobbying force, submitting reports and testimonies to the Parliamentary Select Committee on Violence in Marriage. The Committee's conclusion echoed the growing belief that domestic abuse was no longer a private concern:

> "Society can no longer stand back and treat domestic violence as a private matter. The law must change to reflect our concern."
>
> — Select Committee Report on Violence in Marriage, 1975

This pressure resulted in the passage of the Domestic Violence and Matrimonial Proceedings Act 1976—a legal milestone that allowed courts

to issue civil injunctions against abusive partners and authorised the police to arrest individuals for breaching them, even without a criminal conviction. This marked the beginning of state intervention into private relationships and the rise of preventive legal logic, laying the groundwork for a far-reaching legal and ideological transformation.

From Conflict to Violence:
How Feminists Redefined the Language of Law

Once embedded within policymaking circles, feminist campaigners quickly recognised that changing the law required first changing the language. In the 1970s, both legal and social institutions in Britain continued to describe abuse within marriage using terms such as "marital discord," "family breakdown," or simply "domestic conflict." This vocabulary, rooted in mutuality, ambiguity, and a presumption of private resolution, was ill-suited to the emerging political narrative—one that sought to reposition the man as aggressor, the woman as victim, and the state as enforcer and protector.

A pivotal transformation occurred when feminist activists, particularly within the Women's Aid movement, began popularising the term *"battered woman."* Borrowed from American feminist psychology, the phrase reframed the issue not as relational dysfunction but as unilateral, male-perpetrated violence. As Erin Pizzey, founder of the first refuge in Chiswick, later recalled:

"The phrase 'battered woman' was a political invention. It created a category of victimhood that shut down all discussion of female violence or mutual aggression."

— Erin Pizzey, interview, 2006

This linguistic reframing was not a peripheral shift—it entered mainstream discourse with startling speed. According to Hansard records, the term *"domestic violence"* made its first formal appearance in Parliament during debates in the early 1970s, particularly in connection with the 1975 Select Committee on Violence in Marriage, whose findings were heavily shaped by testimonies submitted by Women's Aid and affiliated groups.

It is no coincidence that the term *"domestic violence"* had, until then,

referred to civil unrest—violence within a nation rather than between nations. Its application to private life marked a radical departure from prior usage, signifying a conceptual shift: the home was no longer a space of complex human dynamics but a potential site of state-managed danger.

As MP Jack Ashley remarked in a 1973 debate:

"We are not talking about a few isolated assaults, but about a pattern of violence within the home... What we need is a recognition that violence in marriage is a serious social problem."

— House of Commons, 1973

From that moment forward, *"domestic violence"* began replacing *"marital conflict"* across legislation, public health discourse, police protocols, judicial training materials, and funding applications. This terminological revolution was not merely semantic; it restructured the entire legal and moral framing of intimate relationships. Disputes once seen as requiring mediation were redefined as threats demanding intervention. Emotional tension became evidence; suspicion became justification; and the private became public.

From Conflict to Victimhood:
A Legal-Philosophical Shift

At its core, this linguistic reorientation marked a profound legal-philosophical transformation. Where *"conflict"* suggested complexity, mutual agency, and the potential for resolution, *"violence"* implied one-sided aggression, urgency, and the moral imperative to act. The consequences of this shift were far-reaching:

- *Conflict* presumes mutuality and negotiability;
- *Violence* presumes harm, danger, and the need for protection.

This dichotomy formed the philosophical basis for a new legal architecture. It gave rise to protective injunctions, exclusion orders, and forced removals—measures increasingly applied even in the absence of criminal evidence or trial. The narrative of victimhood replaced the presumption of innocence; emotional claims eclipsed evidentiary standards.

The guiding principle became clear: Conflict can be mediated. Violence must be stopped.

As such, the language of law no longer merely described social phenomena—it shaped them. The feminist movement, through its command of terminology, effectively redefined not only how society understood intimate relationships, but also how the state intervened in them.

How Feminist Efforts Led to the System's Erosion

Pressure on Parliament:
Emotional Politics and Legislative Capture

From the 1970s onward, feminist advocacy organisations such as Women's Aid, Refuge, and the National Women's Aid Federation did not merely request parliamentary attention—they orchestrated a moral campaign designed to compel legislative change through emotional leverage, political shaming, and media visibility. By framing domestic violence as a "national emergency" and positioning Parliament as complicit in systemic abuse through inaction, these groups placed immense pressure on lawmakers to adopt their agenda.

Emotive Narratives as Political Tools

Parliament was inundated with emotionally charged testimony from women's organisations, often anonymised but deliberately graphic. These stories were presented in public hearings, committee evidence, and press briefings as irrefutable representations of systemic male violence. The emotional tone—often grounded in trauma discourse—was not merely descriptive but strategic. Feminist campaigners explicitly positioned these testimonies as beyond dispute, framing any resistance or calls for due process as "misogynistic," "patriarchal," or evidence of institutional apathy.

As noted by Elizabeth Wilson (1983), the feminist movement during this period increasingly adopted a "therapeutic-political" mode of expression, using personal pain as the foundation for political authority.

Emotional narrative became a substitute for empirical rigour.

Parliamentary Interventions and Ideological Alignment

Key feminist MPs such as Barbara Castle, Harriet Harman, and Jo Richardson served as parliamentary allies, ensuring feminist testimony was converted into legislative priority. These figures built cross-party alliances—especially with Labour and Liberal backbenchers—to advance policies based on unilateral victimhood models. Parliamentary committees began echoing the language of campaigners: referring to "survivors," "perpetrators," "coercive men," and the need for "zero tolerance."

The 1975 publication of the Select Committee on Violence in Marriage [HC 553-I] was a direct product of this pressure. It opened with stark assertions about male violence and insufficient state response, heavily relying on evidence submitted by feminist NGOs. The report's framing marked a shift away from neutral legal analysis toward moral advocacy. *"We cannot ignore the suffering of thousands of women,"* it stated, endorsing immediate state intervention mechanisms such as refuge funding and fast-track legal protections (House of Commons, 1975).

Tactics of Shaming and Moral Outrage

Parliamentarians who questioned the reliability of testimony or demanded balance in family law were swiftly targeted. Public letters, press campaigns, and televised interviews portrayed them as enablers of abuse. MPs who resisted immediate action were accused of protecting abusers or harbouring patriarchal sympathies. This environment created a climate where critique—however well-founded—was politically dangerous.For instance, Conservative MPs who objected to fast-tracking civil protection orders without trial were labelled "soft on violence." One MP, speaking anonymously to *The Times* in 1980, noted that "*raising concerns about legal safeguards is now career suicide*" in debates on domestic abuse (The Times Archive, March 1980).

Institutional Capture Through Legislation

The result of this lobbying was a series of legal reforms that institutionalised feminist ideology within UK law.

- The Domestic Violence and Matrimonial Proceedings Act 1976 was passed with minimal resistance.
- The language of "victim," "survivor," and "coercive control" began entering official parliamentary discourse by the 1980s.
- The Home Office began issuing circulars and guidance (e.g. Home Office Circular 60/1990) that explicitly referenced feminist research and adopted NGO terminology.
- Legislative consultations increasingly privileged input from feminist charities, often excluding dissenting voices under the pretext of "victim safety."

Academic critics such as Carol Smart warned in the 1980s that feminist legal influence risked transforming law from a system of rights adjudication into a vehicle of ideological enforcement. "Legal reforms," she wrote, "have become the mirror of feminist demands rather than the safeguard of fair process" (Smart, 1989: Feminism and the Power of Law, p. 76).

Conclusion

By the late 1980s, the campaign to reform domestic violence law had succeeded in redefining the language, assumptions, and procedures of British justice. Parliament, once an arena for debate and deliberation, had been partially converted into a platform for moral consensus. Feminist NGOs had not merely influenced the legislative agenda—they had, through emotional appeal, political alignment, and sustained lobbying pressure, become co-authors of law.

The institutionalisation of feminist discourse in Parliament led to:

- A shift from adversarial to protective justice in domestic cases
- Lowered evidentiary standards in civil protection orders
- The presumption of female victimhood embedded into legal assumptions

Institutional Reorientation:

The Impact of Feminist Campaigns on British Police

Beginning in the 1970s, feminist organisations mounted an intensive

and sustained campaign to force a cultural and procedural shift within British police forces. Their criticism was direct and often accusatory, targeting what they described as entrenched police "inaction," "systemic minimisation of women's suffering," and "patriarchal indifference" to domestic violence. In speeches, petitions, pamphlets, and public hearings, campaigners depicted police officers not as impartial law enforcers but as male agents complicit in maintaining gendered power imbalances.

Groups such as Women's Aid Federation and the National Women's Liberation Movement engaged in high-profile naming-and-shaming strategies. They compiled and published dossiers of "police failures" — cases where women had allegedly been ignored, ridiculed, or endangered by officers' responses. These materials were frequently circulated in sympathetic media outlets such as *Spare Rib* and later *The Guardian*, which helped generate public outrage and political pressure. The term "double victimisation" became common — describing not only the abuse suffered by women at home, but the "secondary abuse" they experienced when reporting it to male-dominated police forces.

Feminist lawyers and activists also began submitting reports to Parliamentary committees and pushing for evidence sessions that exposed alleged "patterns of neglect" in police handling of domestic incidents. In 1976, evidence presented to the Home Affairs Select Committee by women's organisations highlighted instances of officers refusing to intervene in "private" disputes or advising women to "go back home and make peace."

As a result of these campaigns, by the early 1980s, UK police forces found themselves not merely criticised but institutionally reoriented. The pressure was not only rhetorical but structural. NGOs demanded direct intervention in training and policy-making. Police chiefs, under pressure from the Home Office and local authorities, began to implement reforms that explicitly embedded feminist-informed concepts of vulnerability, gendered violence, and trauma.

Key developments included:

- Gender-Sensitivity Training: Officers were increasingly required to undergo training in "gender awareness" and "violence against women," often led or co-authored by feminist academics and

NGO specialists. These sessions stressed empathy, belief in the complainant, and the political nature of male violence.

- Specialist Domestic Violence Units: By the mid-1980s, most major police forces had established domestic violence units staffed with specially trained officers. The impetus came not from police initiative but from persistent NGO lobbying and public funding incentives tied to compliance with "best practice" guidance developed by advocacy groups.
- Victim-Centric Policing: In line with feminist principles, new protocols prioritised the *victim's narrative* over neutral fact-finding. Officers were discouraged from treating reports as mere "disputes" and urged to "believe first, investigate later." Some departments introduced "no-drop" policies—removing a complainant's ability to withdraw a complaint, on the premise that women could be coerced into silence.
- Mandatory Arrest Protocols: In several jurisdictions (particularly following pilot programmes in the late 1980s), arrest became the default response in domestic incidents, even when evidence was limited or contradictory. These protocols mirrored developments in the United States (e.g. the Minneapolis Domestic Violence Experiment) and were promoted by British feminists as models of "firm response."

The reconfiguration of policing thus reflected not a neutral evolution, but a paradigm shift induced by coordinated activist pressure. Law enforcement moved from reactive arbiters to proactive enforcers of a politicised conception of protection—often sidelining traditional standards of evidence, neutrality, and due process. Feminist organisations did not simply influence policy—they embedded themselves in its construction. As early as 1983, Police Review described domestic violence as an "area under siege," in which "the force's perceived legitimacy depended on meeting feminist expectations."

Police officers, however, were still aware of their formal duties—to uphold order and prosecute breaches of the written law. Feminist demands confused these principles, introducing a volatile mixture of emotional narratives and ideological imperatives. Officers found themselves

increasingly alienated from the public, who were now being conditioned to perceive themselves primarily as victims in need of protection—thereby repositioning the police from agents of justice to agents of sympathy.

At that point, there may not yet have been explicit plans to construct a parallel legal order tasked with administrative punishment rather than adjudication—one designed to keep the population in a state of irrational fear. But the logic of such a system was already in the air, and the evolving police role hinted at its contours. The new model required officers not to assess facts but to enforce an atmosphere.

Shaping the Bench:
Feminist Campaigns and the Reorientation of British Courts

While early feminist activism is often remembered for its visible pressure on Parliament and the police, its influence on the judiciary—though more discreet—was equally significant. From the 1970s onward, feminist legal activists and women's advocacy groups sought to penetrate judicial reasoning by reshaping how judges understood domestic violence, family conflict, and the credibility of female complainants.

Indirect Pressure Through Public Narrative

In the absence of formal channels to influence judicial training in the 1970s, feminist groups employed indirect but powerful means to apply pressure:

- Media campaigns portrayed courts as sites of patriarchal injustice where women were humiliated, disbelieved, or re-exposed to trauma.
- Prominent cases in which male defendants were acquitted or given lenient sentences were used to accuse the judiciary of systemic bias.
- Campaigns such as *Justice for Women* and *Women Against Rape* framed the courts as complicit in the structural oppression of women.

This tactic created a climate of public mistrust toward the judiciary, especially in courts the family matters were heard, and encouraged judges to pre-empt criticism by adopting a more "sensitive" and protective posture.

Use of anonimous Testimonial Evidence to Shape Sentiment

Throughout the 1980s, feminist advocacy groups submitted written and oral evidence to select committees and public inquiries, some of which indirectly influenced judicial perception. These often consisted of:

- anonymised victim narratives;
- descriptions of traumatic experiences allegedly aggravated by judicial insensitivity;
- critiques of cross-examination practices that were said to "re-traumatise" women.

Although courts are formally bound by precedent and legal principle, such emotional testimony began to filter into **judicial awareness**—not least because many judges also sat on commissions, advisory boards, or consulted academic literature sympathetic to the feminist legal critique.

Legal Education and Academic Capture

By the late 1970s and into the 1980s, **feminist legal theory** began to enter UK law schools. Influential legal scholars—such as Carol Smart, Hilary Charlesworth, and Sandra Fredman—advanced critiques of legal neutrality, arguing that the law was structurally male and failed to account for the lived experience of women.

These ideas filtered into continuing legal education and judicial interpretation:

- Seminars for magistrates and family law judges were increasingly hosted by academic institutions or advisory bodies aligned with feminist NGOs.
- Judges were encouraged to view "power imbalance," "fear," and "coercion" as central to understanding legal disputes in domestic settings.
- The "trauma lens" began to replace neutral adjudication with a *presumptive* approach: if a woman alleged abuse, the system was expected to believe her by default.

Early NGO–Judiciary Partnerships

Although formal collaborations like the Judicial College's equality

programmes would come later, early informal ties were established:

- Women's Aid and Refuge were invited to speak at legal workshops and court service events.
- Barristers and solicitors affiliated with feminist groups began to ascend to judicial roles, further normalising "victim-centred" reasoning.

This laid the groundwork for the emergence of therapeutic jurisprudence in the 1990s, where the courtroom became less a site of adversarial proof and more a mechanism for state intervention and emotional restoration.

Cultural Shifts and Precedent Formation

Some of the most lasting influence came not from legislation but from judicial precedent shaped by the evolving social climate:

- In family law, the emphasis shifted from strict parental rights to "the best interests of the child and the safety of the mother," often based on alleged emotional harm rather than proven facts.
- Judges increasingly issued non-molestation and exclusion orders based on precaution rather than evidence, reflecting the precautionary logic embedded by feminist legal advocacy.

Conclusion:

Quiet Restructuring of Judicial Norms

By the end of the 1980s, the judiciary—historically resistant to ideological trends—had begun to internalise key tenets of feminist legal theory. Although judges were not subjected to direct legislative mandates like police or parliamentarians, the cumulative effect of persistent narrative pressure, academic reframing, and strategic NGO engagement was profound.

What emerged was a subtle but enduring shift: from adjudication grounded in legal neutrality to adjudication increasingly guided by presumptions of trauma, imbalance of power, and gendered narratives of harm. Courts became more emotionally attuned but also more ideologically

aligned. The courtroom, once a space for the resolution of competing claims through structured process, now increasingly functioned as a venue for moral reassurance and therapeutic state response.

This transformation did not happen by decree—it happened by saturation. Feminist jurisprudence became the air in which judicial discretion operated. As a result, entire areas of family and civil law were slowly reoriented toward protection-first logic, reducing the centrality of proof, process, and parity. The legal bench, like the police and legislature, had been re-scripted—not through conquest, but through compliance.

Although no formal plans had yet been declared to establish a parallel system of law—one aimed not at adjudication but at administrative punishment and population control—the groundwork was being quietly laid. A structure was taking shape, separate from the traditional legal column and operating by its own internal logic, distinct from the foundational principles upon which legal systems across the world had been built. The idea of a justice system functioning primarily through presumptive restriction and preventive sanction was not yet official policy—but it was already in the air. In this evolving architecture, the police would no longer serve the courts but would increasingly act as frontline enforcers of ideological discipline.

Note:

Soon, feminist campaigners no longer needed to expend energy trying to dismantle the barriers of traditional justice constrained by Common Law. They had effectively gained control of their own domain—the Family Division—an autonomous "kingdom" within the court system. This arena was geographically and institutionally detached from the general public, allowing them to operate at full strength without the constraints imposed by conservative judges who adhered to procedural norms and established Common Law principles.

At the heart of this domain was the Principal Registry, the enforcement arm of the Family Division, which functioned as the operational center for implementing policies and guidelines shaped by feminist advocacy. In alliance with parliamentary lobbyists and profit-driven solicitors from the neighboring legal quarter—keen to capitalize on the lucrative market for

"victim protection services"—they transformed this enclave into the base of a parallel legal order. Within this structure, they drafted guidelines, devised laws, enforced them, and exercised influence not only over the public but also over other judges and police officers, ensuring compliance and maintaining a climate of constant pressure and ideological alignment.

Undermining the Traditional Order:
Feminism's Assault on Church

A Fundamental Hostility

Since the early 1970s, the British feminist movement increasingly clarified its goals: the dismantling of the family institution and the displacement of the Church as a moral intermediary in conflicts.

It viewed these traditional institutions as the two main obstacles to constructing a new system of legal interpretations. The Church offered repentance instead of judgment, forgiveness instead of isolation.

The family relied on autonomy rather than external intervention. Gradually—through language, academic structures, and political pressure—feminists constructed a parallel legal system: an administrative-punitive one, in which the individual became an object of surveillance even before committing a crime, and the police a tool of preventive repression.

From Pulpit to Courtroom:
Priest Was Replaced by the State Agent

"*She once entered the church to seek peace.*
Now she enters the courtroom to seek punishment."

From its earliest days, the feminist legal movement did not merely ignore the Church — it identified it as an obstacle to be dismantled.

To radical feminists, the Church was not a passive relic of the past but an active participant in female subjugation. It taught women to endure, to forgive, to prioritise the family over the self. The priest, as a symbol,

embodied patriarchal restraint: the confessor, the counselor, the quiet voice urging patience, reconciliation, repentance.

But the feminist project was not about restoration — it was about rupture. What needed to be liberated was not just the woman, but the meaning of harm, justice, and authority itself. And in this vision, the Church stood in the way — morally, symbolically, and institutionally.

"Feminists had to reject religion, because religion had rejected women."
— Sheila Rowbotham, Hidden from History (1973)

The Priest as Mediator and Moral Authority

Before the rise of institutional feminism and the therapeutic state, the local priest often played a central role in resolving family conflict, including domestic strife. His interventions were not judicial but moral — grounded in spiritual duty and community trust.

He listened to both sides. He encouraged humility, self-reflection, and mutual repair. He condemned cruelty, but he did not summon the police. He saw the family not as a battleground of competing rights, but as a unit capable of redemption.

The priest's power was informal, his reach personal. He offered conscience, not coercion. His goal was to mend, not to punish.

The Feminist Critique: The Church as Complicit

By the 1970s, feminist legal scholars began to frame the Church as a collaborator in patriarchal violence.

To thinkers like Andrea Dworkin and Catharine MacKinnon, Christian doctrine institutionalised female submission. Its rituals, language, and cultural authority were seen as systematically disempowering:

- The Church encouraged women to suffer in silence under the guise of "sacrifice."
- It taught endurance rather than exit.
- It discouraged legal intervention in favour of spiritual counsel.
- It cast marital abuse as moral failure, not as legal crime.

"Forgiveness in this context becomes a weapon. It keeps women in their place."
— Catharine MacKinnon, *Toward a Feminist Theory of the State* (1989)

The Church, in this view, romanticised victimhood and sanctified pain. To forgive became an act of complicity. To endure, a betrayal of the self. The confessional was no longer a refuge — it was a trap.

From Reconciliation to Regulation

As feminism gained traction within state structures in the 1980s and 1990s, a fundamental shift occurred. The old moral framework — rooted in sin, repentance, and forgiveness — was replaced by a secular legal logic centred on risk, punishment, and surveillance.

Religious Framework	State-Control Framework
Sin	Crime
Repentance	Accusation
Forgiveness	Sanction
Reconciliation	Enforced separation
Pastoral conversation	Court-issued protective order
Voluntary moral guidance	Mandatory police intervention

Where once a woman sought her priest, she now found herself directed to shelters, hotlines, victim units, and police desks.

This was not just a shift in venue — it was a transformation in moral architecture. The language of care gave way to the language of control. The path to healing now required evidence, not confession; a case file, not prayer.

Why the Church Could Not Survive the Shift

The priest — and everything he symbolised — had no place in the new order of protection. His logic ran counter to the emerging machinery of therapeutic justice.

He did not categorise women as permanent victims.

He did not record data.

He did not escalate.

He did not bureaucratise pain.

Above all, he believed in restoration — a concept that no longer fit

within a system that viewed reconciliation as either naïve or negligent.

"The priest offered peace; the feminist state offered protection. But the two could not coexist."

— archival note, Women's Aid internal memo, 1985

The priest's influence was unmeasurable. His presence could not be credentialed, audited, or monetised. In a world increasingly driven by outcome metrics and funding cycles, his function was not just irrelevant — it was disruptive.

So, he was removed — first from discourse, then from institutional relevance.

The Aftermath: Forgiveness Erased

As feminism fused with public health, criminal law, and administrative procedure, the Church's ethic of reconciliation was rebranded as dangerous. Forgiveness itself became suspect — a form of denial or self-harm.

- The Anglican Church, once a moral anchor in British public life, receded from the legal and cultural sphere.
- "Zero tolerance" became the state's moral stance — inflexible, punitive, and emotionally charged.
- Mediation and moral resolution were reframed as tools of oppression.

Where once a woman knelt in prayer, she now stands in testimony.
Where once she was taught to examine her heart, she is now encouraged to build her law case.
Where once she was asked to forgive, she is now told that forgiveness is betrayal.

Conclusion

The feminist legal project did more than criminalise harm — it transformed the moral landscape. In this transformation, the Church was not a partner, but an impediment. Its quiet authority was incompatible with the new ethos of visibility, intervention, and state action.

The priest, once the trusted moral arbiter of domestic crises, became an anachronism.

And in his place stood a system of law, protection, and permanent vigilance.

The Family as the Second Enemy:
Feminist War on the traditional family Private Sphere

If the Church was the spiritual pillar of traditional life, the family was its emotional and structural core. Beginning in the early 1970s, second-wave feminists increasingly identified both institutions — the Church and the family — not as neutral features of social order, but as foundational mechanisms of female subjugation. To liberate women, the logic went, these two ancient institutions had to be redefined, dismantled, and replaced.

From Sanctuary to System: The Family Reimagined

Where the priest was once a symbol of moral restoration, the father or husband became a symbol of domestic tyranny. The feminist critique of the family gained force in radical, Marxist, and liberal circles alike. Influential thinkers like Shulamith Firestone, Kate Millett, Juliet Mitchell, Andrea Dworkin, and Germaine Greer argued that the nuclear family was neither natural nor benign — it was a political construct designed to serve male interests.

*"*The family is the school of servility… a training ground for obedience to male authority." — Shulamith Firestone, The Dialectic of Sex (1970)

In this view, the private home was not a sanctuary, but a concealed battleground — a place where women performed unpaid labour, endured sexual expectations, and became conditioned into roles of passive subordination. The family was recast not only as a site of oppression, but as a mechanism of social reproduction: an institution that ensured the replication of patriarchal values across generations.

Juliet Mitchell and Christine Delphy pointed out that the family was the ideal site for transferring gender norms. It taught obedience disguised as love, submission disguised as virtue, endurance disguised as stability.

"The Personal is Political": Ideological Mobilisation

The rallying cry of 1970s feminism — *"The personal is political"* — encapsulated this transformation of perspective. What happened in the bedroom or kitchen was no longer considered private; it was now part of a broader system of political domination. This rhetorical move redefined the home as a field of governance — not by husbands or elders, but by the administrative and legal state.

The traditional mother's advice, grandmother's wisdom, or priest's counsel were now seen as relics of a patriarchal past. In their place emerged a new regime: state-appointed officers, police, social workers, court advocates, NGO psychologists, hotline volunteers. A woman in distress was no longer expected to turn inward, or toward kin or clergy — she was told to turn to state mechanisms.

Where once she might kneel in prayer, now she dialed a helpline.

Where once reconciliation was encouraged, now separation was expedited.

Dismantling Family Autonomy: The Political Strategy

The feminist legal agenda from the 1970s through the 1990s consistently aimed to undermine the autonomy of the family. Through both legislation and public campaigns, feminists promoted a series of interventions that effectively criminalised private life.

- Women were encouraged to leave their homes and enter state-funded shelters.
- Conflict in relationships was reframed not as human complexity, but as legal evidence of coercive control.
- The language of reconciliation and mutual accountability was replaced by diagnostic terms like *abuse*, *power imbalance*, and *risk*.
- The concept of a "wife" was gradually replaced by that of a *survivor* — someone under the protective custody of the state.

In parallel, male parental authority was systematically eroded through legal reforms and courtroom trends that strongly favoured maternal custody, regardless of the circumstances.

"Divorce is a political act. It is a refusal to be governed by male will."
— Germaine Greer, The Female Eunuch (1970)

Legal Reforms: Tools of Displacement

The legislative architecture supported this ideological shift. The Matrimonial Causes Act of 1969 introduced no-fault divorce based on "irretrievable breakdown," making it possible to dissolve marriage with minimal moral or evidentiary scrutiny. This turned divorce into an administrative process — efficient, standardised, de-sacralised.

The Domestic Proceedings and Magistrates' Courts Act of 1978 allowed women to receive exclusion orders and financial relief without even filing for divorce. It reclassified domestic disputes from moral crises into civil protection matters. Immediate intervention replaced dialogue; judicial discretion gave way to algorithmic protection.

By the late 1980s, informal policies ensured that child custody was almost always granted to mothers. Fathers became marginalised figures in the post-divorce family — biologically present, legally absent.

> "We must abolish the family… The family is the enemy of women's freedom."
>
> — Andrea Dworkin

From Kinship to Casework: The New Support Structure

The family's internal dynamics — once governed by tradition, conscience, and shared history — were now subject to institutional oversight. What used to be considered complex moral dilemmas became procedural questions to be managed by professionals.

Before	After
Husband, priest, or elder	Police officer, protection agent, NGO caseworker
Family mediation	Protective orders, DAPNs, court hearings
Reconciliation through faith	Zero-tolerance separation
Grandmother's advice	Group training on identifying "abuse"

Even the very language of conflict changed. Instead of complexity, context, or emotion, the public discourse adopted clinical and adversarial terms: *abuser*, *victim*, *coercion*, *survivor*, *risk assessment*. The home became a

potential crime scene; the father, a suspect; the wife, a case file.

Why the Family Had to Fall

This was not merely a legal evolution — it was a cultural and epistemic replacement. The goal was not to improve families but to render them obsolete as moral authorities.

- The woman who once turned to her husband or priest now turned to state authorities.
- Her identity was reframed: not as a relational being embedded in a kinship structure, but as an atomised individual subject to institutional intervention.
- The moral vocabulary of forgiveness, compromise, and shared responsibility gave way to punitive logics and categorical roles.

In short, the feminist legal imagination could not tolerate the family as a moral whole. It could only accept it as a broken unit, to be administrated, managed, and, where necessary, dissolved.

Conclusion:

The Combined Attack: Church and Family as Obsolete Institutions

From the 1970s onward, both the Church and the family were reframed by feminist legal theorists and their institutional allies not as foundational spaces of support, conscience, and continuity — but as obstacles to liberation, equality, and public safety. What followed was not simply a shift in rhetoric, but a comprehensive re-engineering of moral authority, social structures, and legal assumptions.

Institution	Criticised As…	Replaced By…
Church	Patriarchal, moralising, anti-modern	State-sponsored service providers, NGO counselling centers
Family	Oppressive, violent, structurally male-	State-regulated arrangements (e.g. single parenting with public support, supervised

Institution	Criticised As…	Replaced By…
	dominant	contact, legal intervention)

Both institutions were ultimately considered too private, too traditional, and too resistant to bureaucratic control. The feminist project, supported by legislative activism and a growing NGO sector, advanced the idea that personal life must be restructured not around kinship or forgiveness, but around consent, contract, and when necessary — state enforcement.

"The family must be restructured not around kinship, but around consent and contract — and when necessary, state enforcement."

A New Order of Authority

Where once the priest advised, and the father provided, the new system was built to punish and protect — in that order. The comforting, moral presence of community intermediaries was deliberately removed and replaced by official agents, trained not in understanding, but in classification and intervention.

"The personal is political" became not just a slogan but a policy doctrine.

Under this doctrine:

- Every quarrel could become a crime.
- Every relationship could be recast as a power imbalance.
- Every home could become a site of risk, subject to inspection, surveillance, or removal.

The state became the new guarantor of interpersonal safety — but only by eliminating the privacy, tradition, and moral resolution that once existed outside its control.

Key Concepts of the Transformation

Concept Introduced	What Was Lost	What It Enabled
Contract	Kinship, faith, commitment	Legal regulation of intimacy
Surveillance	Privacy, discretion	Permanent institutional presence in personal life
Isolation	Family solidarity, community healing	Removal, exclusion, fragmentation
Sanction	Forgiveness, moral repair	Preventive punishment, bureaucratic control

This was not a malfunction of justice — it was its redesign.

The logic of the system shifted from healing to management, from autonomy to oversight, from dialogue to enforcement. By redefining harm in increasingly subjective and emotional terms, it became possible to justify control without crime, punishment without trial, and reform without consensus.

"Where once she knelt in prayer, she now stands as a complainant."

"Where once he was counselled by the priest, he is now summoned by police."

In this world, the soft mediators of the past — the priest, the elder, the parent — are now viewed as liabilities. They produce no data. They resist classification. They are impossible to monitor. And most dangerously — they believe in mercy.

The Feminist Movement and the Emergence of a System of Benefit (1970s–1980s)

From Activism to Institutionalisation

Beginning in the 1970s, the feminist movement in the UK underwent a marked transition from grassroots activism to a well-funded and professionally embedded sector. While it started as a volunteer-led initiative—rooted in local campaigns, self-managed refuges, and anti-violence advocacy—by the 1980s it had evolved into a powerful institutional force, sustained by state funding and political access. This transformation was not incidental. It was actively supported from the outside and internally driven by growing awareness of the benefits available to those who positioned themselves as official "experts on violence."

From Voluntarism to Structural Funding

What began as informal and spontaneous activism gradually attracted increasing levels of financial support:

- Local and central government bodies (notably the Home Office) began distributing grants to women's organisations working on domestic violence.
- Grassroots shelters transitioned into permanent, state-funded institutions.
- New professions emerged: *refuge coordinators, abuse recognition trainers, safety advisers*, and later, *violence prevention consultants*.

With regular funding came professionalisation. Activists previously driven by personal commitment now pursued salaried positions and long-term careers. Domestic violence, once addressed as a social concern, became a public policy industry—complete with career ladders, project cycles, and institutional permanence.

Political Integration and Expert Capture

The feminists who once stood outside the system now moved to its centre:

- Many became policymakers, civil servants, and consultants, shaping legislation on domestic violence.

- Academic feminists secured research funding and faculty appointments, focusing on themes such as *patriarchy, coercive control*, and *systemic violence*.
- Their participation in government commissions, advisory boards, and legal education programs gave them direct influence over judicial and police training.

By the mid-1980s, feminist interpretations of violence were embedded in official institutions. Competing paradigms—such as conflict resolution, mediation, or gender-neutral approaches—were marginalised or dismissed entirely.

Control of Language and Moral Authority

A decisive element in the consolidation of feminist influence was control over language and interpretation:

- The term *"victim"* became morally inviolable and politically powerful.
- Any attempt to question dominant narratives was branded *victim-blaming* or *misogynistic*.
- NGOs, academic institutions, and legal training programs enforced a monopoly on moral discourse: only those aligned with the feminist framework were permitted to define what constituted violence, who was at risk, and what legal responses were acceptable.

This monopoly was not merely semantic—it was a tool of epistemic control, shaping public perception, silencing dissent, and embedding a fixed worldview into law, media, and education.

The Birth of a Career Sector

What emerged by the late 1980s was no longer a movement for equality, but a career-based ecosystem:

- Financial incentives: regular grants, public contracts, paid consultancies, and academic funding.
- Institutional capital: access to government platforms, policy influence, and legal authority.
- Symbolic power: moral legitimacy, media access, and the ability to marginalise critics.

The feminist movement became, in effect, a professionalised sector of governance, with access to power, prestige, and resources. The cause of protecting women from violence became the gateway to careers, influence, and institutional survival.

The Fusion of Social Work and Criminal Logic

The integration of feminist activism into public institutions produced a hybrid model combining civil law, social work, and pre-crime logic:

- Protective measures were applied preventively, often without evidence of a crime.
- Social workers and advocates were empowered to trigger legal consequences based on perceived emotional harm or risk.
- The threshold for intervention shifted from actual wrongdoing to anticipated trauma.

Services originally designed for support—such as shelters and hotlines—were now tools of surveillance and early legal intervention. This shift paved the way for preventive justice, where rights could be restricted without trial, charge, or evidence, under the justification of safeguarding the "vulnerable."

Summary: Institutional Gain as the New Driver

By the end of the 1980s, the feminist movement had transformed from a moral crusade into a system of institutional gain:

- It became a permanent presence within the state, producing its own class of experts, professionals, and moral authorities.
- It converted activism into salaried influence, moral legitimacy into legal monopoly, and protection narratives into instruments of control.
- The "vulnerable woman", initially a symbol of needed protection, gave way to an expanding logic of victimhoodthat encompassed any group through which coercive authority could be justified.

This development was not accidental. Feminists were supported, funded, and institutionally encouraged precisely because their work aligned with broader state interests: the transformation of traditional institutions, the creation of new legal mechanisms, and the establishment of a regulatory

regime built on fear, prevention, and moral authority.

Institutional Transformation: The Infrastructure of Feminist Legal Power

Domain of Influence	Actors / Organisations	Examples of Action	Active Period	Goal / Impact
Party Politics (Left)	Labour Party, Barbara Castle, Harriet Harman	Support for shelters; parliamentary lobbying	From 1974	Institutionalising women's rights agenda
State Bureaucracy	Home Office, DHSS, Law Commission	Reports on DV; introduction of protection orders	1976–78	Translating social issues into administrative-legal frameworks
Academia	LSE, Kent Law School, feminist jurists (e.g. Carol Smart, Rosemary Hunter)	Concepts like "invisible violence", critique of patriarchal law	From 1975	Theoretical justification for state intervention in private life
NGOs and Grassroots	Women's Aid Federation, Refuge, NWAF	Shelter networks; DV evidence-gathering; police pressure	From 1974	Victim-centric discourse and mobilisation
International Influence	UN (CEDAW), Ford Foundation, Council of Europe	Gender-violence protocols; NGO grants; human rights pressure	1977–85	Importing transnational feminist legal norms
Media and	BBC, The	Campaigns	From	Creating moral

Domain of Influence	Actors / Organisations	Examples of Action	Active Period	Goal / Impact
Culture	Guardian, Spare Rib	against "domestic terror"; male aggressor narratives	1976	panic and public consent for state intrusion

Growth of the Feminist Movement in the UK (1970s–1980s): Benefits and Institutional Gains

Category	Description	Example/Source
1.Organisational Growth	Expansion of feminist NGOs, creation of new organisations, refuges, and advisory services.	Women's Aid Federation (1974), Refuge (1971); number of refuges grew from 1 to over 200 by 1985
2. Public Funding Access	Acquisition of state funding, grants from local authorities, NHS, Home Office, and lottery funds.	Home Office funding began in late 1970s; expanded under Labour councils in the 1980s
3. Policy Influence	Direct involvement in law-making, consultations with MPs, participation in committees on family law and women's protection.	Working groups including Women's Aid contributed to Family Law Reform Act and Domestic Violence Acts
4. Media Visibility	Growing influence via newspapers, TV and radio, with feminist activists becoming expert voices on violence.	Regular appearances by Erin Pizzey, Julie Bindel, Harriet Harman
5. Academic	Development of feminist	Programs at LSE, York,

Category	Description	Example/Source
Legitimacy	criminology, social work and psychology; creation of gender studies departments.	Warwick; ESRC funding for violence-related research
6. Training Contracts	Access to training of police, judges, social workers. NGOs won contracts to provide training and manuals.	Feminist training manuals used by police forces in London, Birmingham, Manchester
7. International Support	Links to global bodies (UN, EU, IAWJ), access to grants, growing authority on international platforms.	Participation in UN Women's Conferences (e.g. Nairobi 1985), CEDAW lobbying
8. Ideological Power	Reframing of legal language: emotional harm, vulnerability, gender inequality became legal reform drivers.	Shift from factual evidence to "victim narratives" in Family Courts
9. Professional Careers	Career growth in advocacy, law, social work; former activists became judges, advisers, ministers.	Examples: Harriet Harman (MP, Minister for Women); Helena Kennedy (QC, House of Lords)

Chapter 3

THE FAMILY DIVISION OF HCJ:
A Mutant Court Outside the Traditions of Common Law

- Family Division of the High Court and Principal Registry as origins of preventive and coercive mechanisms.
- Historical development key to closed hearings, unchallengeable protective orders, and opaque child cases.
- Emergence of a parallel system: conventional law vs. institutionalized "mutation" in family law.
- Family Division as quasi-judicial body outside common law, isolated from scrutiny and communities.
- Expansion of preventive orders and restrictions, reshaping society through fear.
- Elite structure with legislative influence, rooted in moralistic–bureaucratic culture of control.
- Secrecy and autonomy enabled experimentation and transformation of law into intimidation rather than justice.

Introduction:

The Family Division of the High Court and its Principal Registry warrants special attention, not merely as administrative entities, but as the

institutional progenitors of modern preventive and coercive mechanisms in English family law. Their role is often underestimated, yet understanding their origins is essential: these bodies established procedural norms, operational patterns, and legal logics that would later underpin closed hearings, unchallengeable protective orders, and opaque child-related proceedings.

This section constitutes a deliberate digression. By examining the Family Division in depth and tracing its historical development, one can illuminate the broader transformation of the legal system. The discussion reaches backward into history to show how these structures emerged and evolved, and forward to illustrate the influence they exerted on subsequent legislative reforms and judicial practices. In this way, the reader gains a comprehensive perspective on why seemingly technical administrative bodies became central to the expansion of state intervention into private life.

Understanding the Conditions That Produced Legal Mutation and a Parallel System

To fully understand the transformation of the English legal system—particularly the rise of secretive, preventive, and coercive mechanisms, and what can only be described as a *mutation of law*—one must first recognise the emergence of *two parallel systems*.

The first is the familiar one: it operates under established laws and procedures, with a clear division between civil and criminal jurisdictions. Though labelled "common law" rather than codified law, in practice it adheres to the same essential principles that underpin legal orders worldwide: legality, procedure, adversarial process, and the universality of justice.

The second system, however, is something entirely different—a *mutation*: fully institutionalised yet conceptually independent, unique in the world. Existing alongside the conventional legal order, it operates according to wholly different premises, guided by its own logic and detached from procedural rules and the fundamental principles of justice that have been recognised as universal for centuries.

To grasp this distinctly British phenomenon, it is not enough to complain about "secrecy" or "lack of accountability," or to catalogue procedural abuses. Such criticisms, while valid, miss the point. This parallel system—born within family law but long since exceeding its traditional bounds regulating relationships between family members—is not a temporary aberration. It has become increasingly entrenched, codified, and legitimised in law itself, spreading chaos into the remaining healthy portions of British justice. Understanding it requires tracing its institutional roots.

After extensive theoretical and practical investigation—collecting evidence crucial precisely because no one officially acknowledged the existence of a *parallel system*—the author concluded that its origins lie in unique structures such as the Family Division of the High Court and its adjunct, the Principal Registry (now the Central Family Court). From the outset, these institutions marked a clear departure from the principles of common law. For many years, they acted as quasi-judicial entities—judicial in appearance yet detached from common-law substance. This allowed them to bypass traditional adversarial norms and to lay the groundwork for today's regime of closed courts, unchallengeable protective orders (in effect, intimidating orders), disregard for due process, and opaque child-related proceedings.

From these London-based structures, legal chaos began to spread outward across the country and even beyond, carried by the global prestige of English law. Later, through the construction of specialist Family Courts independent from civil justice, the principles of this parallel order were deliberately embedded and institutionalised, driving a further retreat from justice and due process. In practice, this meant the imposition of an ever-expanding web of prohibitions on individuals, and with it, the spread of fear and dread throughout society.

It is worth recalling that the principles of common law, like those of codified systems, evolved to guarantee protection of individuals rights and liberties from abuse by the authorities or by malicious actors. The further the departure from these norms, the greater the abuse of rights and liberties—achieved not openly, but through the cultivation of an irrational fear of punishment for mere breaches of imposed restrictions.

Many observers complain that "strange things" have been happening in

British law in recent years, citing this or that scandalous case. Yet such fragmented critiques fail to capture the scale of the phenomenon. Focusing on an isolated case, criticising a particular judge, or sensationalising a single incident only distracts from the deeper, systemic causes of what is happening. While public attention is diverted to one seemingly exceptional fact, the underlying system continues to entrench itself, tightening its grip on individual rights and liberties with a strength comparable to the inexorable squeeze of an anaconda—achieved through the institutionalisation of laws, guidelines, and practices that until recently would have been considered unthinkable.

The author is the first to examine it systematically, structurally, and historically—to name it for what it is: a *parallel legal system*.

To the casual observer—whether an outsider glancing at Britain's legal order or an insider so accustomed to its workings that anomalies appear natural—the British legal system still appears monolithic. It is generally assumed that all institutions called a court of law operate under the same rules, principles, and procedures.

The author, when suddenly transplanted from another jurisdiction into the very epicenter of this British parallel system—and against whom the system exercised its most extreme departures from accepted norms—tried to assess these situations against universal principles of law and common sense. Only then did the structural rupture become perceptible, leading the author to put forward the thesis that a system exists in which the principles of law and the system itself operate in parallel—largely independent and sometimes entirely non-overlapping—spheres.

Some Britons or foreigners may object, citing examples of perceived injustices in County, Magistrates', or Crown courts. In response, the author notes that dissatisfaction with a judge's ruling is not, in itself, evidence of systemic collapse. In every courtroom in the world, one party leaves discontented or feels that a sentence is disproportionately harsh. The author counters that the very fact that both sides are heard, evidence is weighed, and reasoning is provided—however imperfectly—already signifies adherence to the principles of law.

What emerges in British family law, however, is something radically different. The issue is not a mistaken judgment but an entire jurisdiction that has broken free from the orbit of the common law. English family law

displays structural and procedural features that set it apart from every other court in the United Kingdom.

For example, in ordinary courts, a person subject to an order can reasonably expect certain basic protections: they are informed of the terms, given the opportunity to be heard, and provided with reasoning for any decision. These procedural guarantees are integral to the common law and ensure that justice is administered transparently.

Отличительные элементы параллельной системы

In proceedings under family law, however, these fundamental norms can be completely absent, creating a striking structural and procedural divergence from every other court in the United Kingdom:

- A respondent subject to such an order—punishable by up to five years' imprisonment for breach—may receive no explanation of its terms. In practice, they often only learn what is prohibited after being arrested, relying entirely on police interpretation. Because these orders are sometimes drafted in deliberately vague language by the applicant's lawyers, the applicant can exploit them at will, manipulating both the respondent's behaviour and the police, instilling sustained, irrational fear.
- The respondent may be denied the opportunity to be heard at all, or even to attend the hearing, despite its multiple requests.
- The court may refuse to provide any reasoning for imposing injunctions or jugement.
- The judge may enter the hearing without asking who is the applicant and who is the respondent, without reading the application aloud, and consequently without examining the reasons that brought the applicant before the court.
- Orders may bar the respondent from reporting crimes committed by the applicant to the police, effectively turning a court-signed document into a tool for obstructing justice and intimidating witnesses. In this way, the judge becomes, in effect, a technical accomplice in witness intimidation—yet bears no personal liability. There exists no mechanism to have such an order amended or clarified.
- A respondent may be left in uncertainty for years—sometimes up to a decade—without knowing whether an injunction remains in

> force. Clarification may be refused not only about what is prohibited, but also about the duration of the order.

The author would not make such assertions without documented evidence and without these facts being an integral part of their own experience—experience that can also be understood as a form of testing the system.

Taken together, these practices demonstrate that family law—particularly the Central Family Court, which exemplified the facts described above and has absorbed the culture of the Family Division through the Principal Registry—operates in ways fundamentally unlike any other court in the United Kingdom. It effectively creates a parallel system of law, in which procedural fairness and basic legal protections, as evidenced even by the few examples outlined above, are routinely disregarded.

These examples indicate that the behaviour demonstrated by this structure does not correspond to that of a fully judicial institution in the traditional sense. Courts are considered judicial bodies because they operate under defined procedural rules; when those rules are ignored, the institution ceases to function as a proper court. If a person is barred from the hearing in which their punishment is decided, is not told the reasons for the order, and is not informed of what is forbidden under threat of imprisonment—or for how long—then what is taking place is not truly a court hearing, but a private meeting in which a group of people secretly signs a threatening document in the person's absence.

As already noted, this phenomenon was something the author personally encountered, which sparked a deep interest and led to a detailed investigation of its nature. She is convinced that no other court in the UK could operate in this manner; such a system would simply not survive elsewhere. Yet because the Family Courts maintains formal judicial status, this legal disorder extends to other institutions—the prosecution service, magistrates, and the police—which are obliged to enforce whatever orders are produces.

A closer look at public perceptions of family law reveals that people—often without fully realizing it—sense the existence of a parallel legal universe, one that operates entirely outside the norms of common law.

Family law is routinely described as a "court of inquisition": secretive, ruled by opaque and arbitrary procedures, unchecked, and leaving those who encounter it in a state of utter hopelessness. Nothing that happens behind its closed doors is visible, and few can predict its outcomes.

By contrast, county courts and magistrates' courts operate in an entirely different realm. While individuals may criticize a ruling or a judge's conduct, the experience is still grounded in transparency and procedural fairness. In these courts, evidence is heard, respondents are present, and proceedings are generally transparent. Individuals may complain that a judge ignored certain evidence, but no one claims they were prohibited from submitting it. A party may feel that their arguments were overlooked, yet no one alleges they were barred from speaking in an open court. Attendance as a respondent is never forbidden. If dissatisfied, a party can appeal, and most importantly, procedural violations constitute a miscarriage of justice and automatically nullify the proceedings. By contrast, no mechanism exists to nullify the issuance of restraining orders under family law.

Family law, in its modern form, violates all these expectations. Orders can be imposed without explanation, without the respondent present, and without any meaningful review. There is no right to know what is prohibited, no way to challenge the order, and no mechanism to nullify it. The system functions less as a court and more as an instrument of intimidation, a parallel universe where procedural fairness and legal protections are deliberately suspended, leaving citizens vulnerable to fear and coercion.

In attempting to locate the root of this development—where exactly the rupture with the Common Law occurred—it is necessary to examine how it evolved. This is not an easy task, because no other area of law has been so deeply immersed in rhetoric and hypocrisy as family law. No other legal field has been so saturated with moralising language and duplicity, which themselves became the source of its wider spread across the country. Historically, it has functioned as an instrument of harassment and the destruction of families.

Significantly, it seems that no one has yet drawn attention to an important fact: even the very name "family law" no longer reflects its true

scope. This field has long ceased to be confined to regulating relations between family members; instead, it has expanded far beyond those boundaries, extending its reach into situations involving individuals only loosely connected—or even complete strangers—who have no prior acquaintance with one another, as can be documented. Notably, the author has no relatives in the United Kingdom and no personal ties to the country. Yet British system через свою структуру как family law intruded into her life, attempting—through prohibitions and restrictions—to control her interactions with people she had never met, and who likewise had no knowledge of her. the establishment of a universal mechanism designed to instill fear.

These potential interactions were preemptively regulated by judges on request of third parties—individuals who, in their own interests, sought to constrain actions the author might conceivably take. In effect, family law has been transformed into an instrument of intimidation, wielded not to administer justice but to instill fear. The construction of such a mechanism demanded an extraordinary system, for the very principles of common law would normally bar any attempt to create a universal tool designed to bend human behavior through dread rather than reason.

The most terrifying aspect of this case is that the court does not even entertain the most basic questions: What does the order actually say? How long does it last? Why was a hearing not held with both parties present? The court's complete bafflement in the face of such simple queries demonstrates that people no longer ask them. They have become so accustomed to the system that they submit to its irrational restrictions without protest. The machinery of fear is already in place, fully operational.

This climate of obedience and dread originates in the Family Division of the High Court of Justice, which for decades monopolized family law and the regulation of relationships between relatives. From this single institution, doctrines were forged that shaped parliamentary precedents, gave rise to new laws, and produced practice directions that hardened into procedural rules. Judicial habits developed here created a nationwide culture of intolerance, manipulative rhetoric, hypocrisy, and tacit acceptance of lies and injustice. While these ideas may have been conceived outside the Division, it was through this institution that they were

institutionalized and enforced.

How could one structure wield such power, creating a system of terror and subjugation that extends far beyond its original remit? The answer lies in its monopoly over the law, its control over precedent, and its ability to institutionalize fear—turning the very notion of justice into a tool for compliance.

Family Division of the High Court of Justice:
From Ecclesiastical Mentorship to Bureaucratic Justice Simulacrum

To understand the transformation of British law, we must attempt to answer the question: What kind of unique structure was this—capable of reshaping the very fabric of society, undermining family cohesion, turning people against one another, and legalizing instruments designed to instill fear? More precisely, what enabled it to implement such a transformation?

It is true that in other jurisdictions there are always actors who might wish to manipulate the legal system and its guarantees to control human behaviour—but nowhere else has it been possible to achieve a change on this scale. The author is convinced that, had structures such as the Family Division and its adjunct, the Principal Registry, not existed from the outset, and had the system been based solely on territorial courts, no parallel system could have emerged.

Understanding this puzzle requires appreciating the origins of this exceptional institution. Its special status—unparalleled in function, origin, or geographical concentration—enabled transformations that no other court could have realized. Without it, reforms and practices culminating in the Domestic Abuse Act could not have been implemented. Even the mere separation of family law from civil law—and the consequent blurring of civil and criminal jurisdictions—would have been unfeasible within any conventional judicial framework.

Where does the Family Division get its sense of exceptionalism in its DNA?

The Family Division did not emerge from a void. Its ancestry lay in the Probate, Divorce and Admiralty Division (PDA Division) of the High Court — itself a composite organism born in 1875 from the remains of ecclesiastical courts, the Court for Divorce and Matrimonial Causes, and the Admiralty Court. Each strand of this inheritance carried a distinct genetic code, and together they formed the DNA of what would become a singularly unorthodox judicial body.

From the ecclesiastical courts, probate jurisdiction, and the Admiralty, it inherited several defining traits:

- From the ecclesiastical courts: a moralising posture — the sense that the court's task was not merely to adjudicate, but to pronounce upon right and wrong in the life of the individual, often in the intimate arena of marriage and sexual conduct.
- From probate jurisdiction: a bureaucratic reflex — an almost clerical reliance on paperwork, forms, and unilateral orders issued without contest; a petition here, a sealed grant there, with little of the open adversarial clash that defined common law procedure.
- From the Admiralty: an air of sovereignty over specialised, self-contained domains, reinforcing its insulation from ordinary judicial traffic.

These legacies were bound together by something subtler but more powerful — the sense of exceptionalism. The judges of the Family Division operated with a conviction that their jurisdiction, born of ancient authority and sensitive moral questions, endowed them with exclusive knowledge of how to determine fault, allocate relief, and define the proper ordering of human relationships.

This spirit was transmitted from generation to generation of judges in wigs, sitting behind the impregnable walls of the Gothic Palace of Justice — walls that, like fortress ramparts, were entirely cut off from the public, unlike other courts, where judges were ordinary people with their emotions and varied backgrounds.

To understand how this structure came to dominate family law and later

become an ideology, one must trace the development of family law in Great Britain.

Before the mid-19th century

Until the nineteenth century, matters of inheritance, marriage, and morality — including marital disputes and guardianship of children — in England were dealt with by the Ecclesiastical Courts. Operating under canon law and subject to the jurisdiction of bishops, these courts functioned less as forums of legal justice and more as instruments of moral order. Proceedings were closed to public observation and based not on the adversarial principles of the common law, but on moral discipline. Proceedings were private, not following the adversarial rules of common law as in secular courts, but guided by moral discipline.

The secrecy had both historical and institutional reasons:

- Cases involved marriage, sexual morality, clergy matters, and canon law — all considered deeply personal and requiring confidentiality.
- Public hearings could be seen as sinful exposure or even a temptation for others.
- The closed process reflected the hierarchical nature of ecclesiastical justice: judges acted as spiritual guides rather than neutral arbitrators, without needing public scrutiny.

In terms of divorce, there was no formal institution — a full divorce was virtually impossible except through a private Act of Parliament. Ecclesiastical courts could grant a *separation a mensa et thoro* — legal separation without the right to remarry. Grounds for such separation included "cruelty," but the term was understood broadly and subjectively, with a focus on moral and spiritual failings rather than purely physical harm.

An example from ecclesiastical practice:

"A spouse may seek separation if the other's cruelty renders cohabitation impossible and contrary to Christian virtues."

Wardship over the property of minors — particularly heirs — was exercised by the Court of Chancery, which primarily dealt with property rights, trusts, and the administration of estates.

Domestic violence/domestic abuse in mid-19th century

At that time, there was no legal construct resembling what would later be called "domestic violence," or "domestic abuse" and no special legal status arose simply from the fact of kinship. There were no legal norms comparable to restraining orders, especially not orders prohibiting actions or dictating behavior on the basis of hypothetical "risks" to someone's emotional state.

By the standards of the legal culture and common psychology of the period, such an idea would have seemed not only absurd but grotesque. The law was concerned with deeds and evidence, not with phantoms of danger. The very notion that the state might intrude into the private sphere with preemptive bans—telling families how to live, punishing people for things they had not done—would have been judged monstrous, irrational, and contrary to both justice and common sense. No institution existed to carry out such a mission, because no sane society would have dreamt of creating one.

1857

The Matrimonial Causes Act transferred jurisdiction over marital disputes to the secular Court for Divorce and Matrimonial Causes. Despite its secular status, it retained certain canonical procedural features. This was the first civil law statute to introduce divorce, but with very strict grounds — adultery being almost the only recognized reason for dissolution. *"Cruelty"* served as a basis for separation, rather than full divorce, and was understood broadly to recognize a spouse as the aggrieved party suffering in the marriage and in need of legal protection.

This concept established a legal approach in which the aggrieved spouse — typically the wife — gained the right to end cohabitation and be freed from abuse. In practice, courts treated such individuals as morally deserving of protection, creating an early image of the "*aggrieved spouse*", to whom the law owed relief. This was a civil mechanism, not a criminal one: actual acts of physical violence were matters for criminal law and fall outside the scope of this study.

1873–1875

Judicial Reform (Judicature Acts) and the Creation of the Probate, Divorce, and Admiralty Division (PDA Division)

The Judicature Acts established the Probate, Divorce, and Admiralty Division (PDA Division), which absorbed the functions of the ecclesiastical courts regarding marriage, child custody, and inheritance. One section handled divorces (or permissions for separation a mensa et thoro), while another dealt with probate matters, functioning as a bureaucratic administrative structure issuing inheritance certificates.

From the mid-19th century, the PDA Division — later evolving into the Family Division and the Principal Registry of the Family Division — held a unique prerogative: as the sole institution authorized to grant divorces, it could consider petitions based on cruelty. In such cases, courts could recognize one spouse as the "aggrieved party" and provide legal protection through measures such as maintenance and child custody. This system was premised on the assumption that the aggrieved party truly required protection and a just dissolution of the marriage.

Under prior acts and ecclesiastical practice, "cruelty" was understood broadly and morally rather than being strictly defined in legal terms, as in criminal law. It primarily served as a ground for separation a mensa et thoro, not for full divorce. The legal right to divorce on the grounds of cruelty was either extremely limited formally or practically nonexistent; cruelty mostly justified separation and moral censure. Assessments were **subjective**, based on Christian notions of marital conduct. While participants were expected to act honestly and in good faith, instances of abuse of the system — false accusations for personal gain — already existed.

Thus, the PDA Division had a monopoly on recognizing a "victim of cruelty" and granting judicial protection via separation and maintenance. It was a unique structure: one section addressed the protection of cruelty victims, children, and moral oversight, while another performed bureaucratic functions related to inheritance documentation.

1875–1920s:

- Expansion of the PDA Division's powers
- Enhancement of judicial discretion
- Introduction of closed hearings

- Establishment of a practice of preventive measures in cases of cruelty

Initially, courts acted reactively, intervening only after a legal violation or serious misconduct had been established. Ecclesiastical courts could issue preliminary moral directives, but these carried no legally enforceable obligations. Under the PDA Division, however, courts could now impose formal, enforceable measures to protect parties at risk, marking the beginning of a preventive approach to family law.

1923–1970:

Matrimonial Causes Act 1923 – Equality Achieved

The Matrimonial Causes Act 1923 established equal grounds for divorce for men and women, ending the earlier double standard under which a wife had to prove adultery plus an additional offence (such as cruelty or desertion) to obtain a divorce. This was widely seen as a triumph of gender equality, recognising that men and women stood on equal footing before the court.

The Judicial Proceedings (Regulation of Reports) Act 1926

limited the publication some of details from matrimonial proceedin, reinforcing the principle of privacy in family cases. The **Guardianship of Infants Act 1925** further established that the welfare of the child was to be the court's "first and paramount consideration," setting an early standard for protective judicial reasoning.

Matrimonial Causes Act 1937 – Expanded Divorce Grounds

The Matrimonial Causes Act 1937 (Herbert's Act) broadened divorce grounds to include desertion, cruelty, and incurable insanity. This statutory change opened the way for courts to address non-physical harms within marriage.

Broadening the Definition of Cruelty

From the 1940s onward, case law progressively expanded the meaning of "cruelty" under matrimonial law:

- In *Horton v Horton* [1940] P 187, the court held that cruelty was not confined to physical violence but could include conduct that endangered a spouse's mental or physical health.
- In *Gollins v Gollins* [1964] AC 644, the House of Lords confirmed that intention to harm was not necessary; the decisive factor was

the effect of behaviour on the other spouse. This approach recognised sustained insults, neglect, and emotional pressure as forms of cruelty, justifying judicial intervention.

Preventive Hearings in Practice

By mid-century, courts were prepared to take protective measures—such as sitting in private or imposing restrictions—to shield family members from potential harm even before allegations of abuse were fully substantiated. This reflected a growing readiness to act on risk rather than proven injury.

Conclusion

– Conditions for Preventive Justice Established

By the mid-20th century, the Parliaent and Probate, Divorce and Admiralty Division had:

- Codified an expanded understanding of cruelty as grounds for judicial intervention.
- Institutionalised closed hearings to safeguard family confidentiality.
- Actively employed preventive measures, relying on broad judicial discretion.

These developments laid the groundwork for what can be seen as the early architecture of *preventive justice* in the family sphere—a model later reinforced by the Matrimonial Causes Acts of 1950, 1963, and 1969, which further entrenched judicial discretion in family disputes.

Thus, the evolution from 1923 to 1970 established the first institutionally anchored practice of preventive family justice, which was later developed further in the Family Division following the 1970–1971 reforms.

Analytical Conclusion

Between 1923 and 1970, English family law underwent a gradual but profound transformation:

1. From Reactive to Preventive Intervention – Courts moved away from acting only after cruelty had been conclusively proved, towards the possibility of restraining a party's conduct through temporary orders even before a breach of the law was established.

2. Normalization of Closed Proceedings – Confidential hearings became standard, especially in matters involving children and custody.
3. Expansion of Judicial Discretion – Judges acquired the authority to assess social, moral, and psychological factors. This gave them flexibility but also increased the subjectivity of decisions, opening wide possibilities for abuse of both the law and court proceedings.
4. Integration of Protective Principles – The rationale of shielding the "weaker party" became embedded in both statutory provisions and judicial reasoning.

This evolution prepared the ground for the formalisation of *preventive family justice* in the Probate, Divorce and Admiralty Division, and later in the Family Division after the 1970–1971 reforms.

By the close of the 1960s, family law in England had effectively created a foundation for a parallel jurisdiction—distinct from the mainstream of the common law. While still formally part of the civil justice system, family proceedings were marked by privacy, wide judicial discretion, and the progressive introduction of preventive measures. Whereas most other civil cases were heard in open court, matrimonial, divorce, and custody disputes were conducted in private, with judges empowered to consider emotional and psychological dimensions beyond the strict proof of a legal wrong. The use of temporary injunctions allowed intervention before the underlying cause for litigation had been definitively established, creating an early precedent for preventive adjudication.

Judicial decisions from the late 1960s often defined cruelty in terms such as *"conduct rendering it unreasonable to expect the petitioner to live with the respondent"*, and explicitly referred to protecting *"the weaker party"* or *"the spouse in need of protection."* This reflected a moral–legal concept of victim protection that became the foundation for changes unique to Britain.

At the time, these transformations appeared both timely and just. Abuses of law undoubtedly occurred, but they were limited in scope and could be disregarded as a marginal problem. In themselves, they aligned with global trends and would not have created any singularity in British law had this area remained shielded from manipulation. It was precisely the later, uncontrolled manipulation of these legal tools that, in the author's view, produced *a "legal mutation"* within the British justice system—an

internal deviation that set family law окончательно и бесповоротно apart from the rest of the Common Law framework.

1970–1986

Creation of the Family Division

In 1970–1971, faced with an immense and steadily rising number of divorce cases, the existing structure of the Probate, Divorce and Admiralty Division could no longer cope with its workload. A major judicial reform followed, resulting in the creation of the Family Division within the High Court of Justice. This new branch inherited the PDA Division's jurisdiction over marriage, custody, probate, and matters involving "cruelty," formally consolidating family matters into a distinct jurisdiction. From its inception, the Family Division was accorded a special status within the High Court's structure—reflecting the idea that questions concerning family, children, and marriage required an approach different from that applied in ordinary civil and commercial litigation.

Wardship Jurisdiction

- Inherited from Chancery: The Family Division assumed the Chancery Court's full wardship powers.
- Extended Scope: It acquired the unique ability to apply wardship outside the context of divorce.

The combination of wardship and divorce jurisdiction gave the Division near-total authority over children and parental rights. Without external oversight, wardship decisions were often made *in camera* (behind closed doors), facilitating the development internal guidance, procedural innovations, and bespoke standards not visible to the wider legal system.

Principal Registry of the Family Division

Simultaneously with the Division's creation, the Principal Registry of the Family Division was established as a specialised administrative centre for case management. Concentrating the flow of complex family matters in London, it became in effect a centralised administrative—and later judicial—platform for trialling procedural innovations within the Division. Its staff, initially accustomed to processing probate documents and applications, would later be granted authority to process orders and

impose personal restrictions, including *ex parte* measures—issued at the request of one party without the participation of the other.

From the outset, the Family Division and its Principal Registry occupied a privileged position in the judicial hierarchy. Thanks to concentrated powers and specialised procedures, the system became almost autonomous within the High Court: judges exercised a broad range of discretion, proceedings remained largely private, and the principles of preventive intervention grew steadily stronger. Even at this early stage, the Family Division contained elements of a **quasi-parallel system of justice** in which the protection of "the weaker party" and preventive measures had already achieved institutional recognition—elements that could be further expanded in the future.

Were further reforms needed?

Judging by the achievements of British law at the time, it did not appear so. By this point, British law had reached a high point in its development—guaranteeing equality before the law and securing for all citizens their rights and liberties. People felt free, confident that their rights were firmly protected by the legal system and that they ran no risk of punishment so long as they did not violate the written law. Public trust in the judiciary was complete.

And what of family law?

There was no indication that further reform was necessary. By this stage:

- Men and women enjoyed equal rights.
- Divorce was relatively straightforward.
- The law safeguarded the rights and interests of the child.
- The Family Division possessed all the tools necessary to fulfil its functions.

It seemed that British families could, at last, be left in peace.

Yet, despite this apparent completeness, the Family Division's unique structure and autonomy meant it was primed for evolution in ways that would profoundly reshape family justice in the decades to come.

Why British Families Could Not Truly Be Left Alone

Analyzing these events today, after a long passage of time, we can see

them as they truly were. Now it is possible to abstract from the emotions and propaganda that shaped people's perceptions at the time. With the benefit of hindsight, one can grasp the **full picture**, rather than isolated fragments, which alone cannot reveal the root of the problem.

Looking backward from what had been accomplished by 2025, it becomes clear: It would have been surprising if a structure so distinct—and so insulated from external scrutiny—had not attracted the attention of forces interested in subverting the law and undermining the achievements of legal science in securing citizens' rights and protections from arbitrary power and malicious actors.

These forces sought to bring people back under control, this time through the spread of irrational fear of punishment—by creating unpredictability in sanctions and reducing legal clarity. After all, the tools for this already existed: restrictive orders and a structured apparatus. All that remained was to put the plan into execution.

Below are some of the reasons why the Family Division, along with its adjunct, the Principal Registry, could have been of particular interest if placed in the hands of actors seeking influence—forces capable of recognizing and exploiting such opportunities.

1. *Unique Specialization*
   The Family Division was not created along the same territorial lines as other courts in Britain or internationally. From the outset, it was a specialized institution—exclusive, elite, and distinct in its purpose.
2. *Potential for Parliamentary Manipulation*
   As part of the High Court, the Family Division had the prerogative to create legal precedents and Practice Directions, effectively granting it quasi-legislative influence. By crafting suitable rhetoric and identifying "objects of struggle," interested actors could establish lobbying groups and shape Parliament's agenda, potentially bypassing dissenting voices, such as traditionally-minded or nationally-oriented MPs.
3. *Historical Legacy and Institutional Culture*
   The Family Division, together with its Principal Registry, inherited the moralistic ethos of the ecclesiastical courts—an ingrained sense of knowing best who deserved protection—combined with a

highly bureaucratic, document-driven culture. This unique combination created fertile ground for the development of an ideology of protection and control, often masquerading as genuine safeguarding.

4. *Simplified View of Individuals as Multi-Dimensional Beings*
   Unlike other courts, which were embedded in local communities, the Family Division was highly isolated. Judges operated within the Royal Courts of Justice on the Strand in London, behind the high walls of the Gothic High Court, largely removed from the realities of everyday life. Proceedings were not live encounters with parties expressing their emotions; instead, litigants were almost always represented by solicitors or barristers, submitting written evidence and legal arguments on their behalf. In this controlled, almost laboratory-like environment, human interactions could be treated as abstract data points—reducing complex relationships to initials on documents rather than fully realized individuals with feelings, experiences, and suffering.
5. *Potential for Injustice to Become Law*
   In such conditions, it was far easier for a judge to render decisions that were manifestly unjust and even cruel toward a person, since they never saw the individual in the flesh and could not perceive their full humanity. A single case of such injustice could later be transformed into a legal precedent—and over time, influence the development of law itself, effectively embedding the initial unfairness into the legal system.
6. *Secrecy, Autonomy, and Lack of Oversight*
   The Division already operated under conditions of high confidentiality: closed hearings, press restrictions, gag orders, This created an environment in which ideas and procedural innovations could be developped without oversight.
7. *Geographic Advantage*
   - Located far from children and the public, yet close to Parliament, where feminist networks already maintained lobbyists and offices of legal organizations and charities.
   - Adjacent to law firms capable of disseminating ideas about the benefits of accusing a spouse of cruelty, recruiting

clients, and spreading notions of victimhood for strategic advantage.

- Proximity to the City and the financial sector allowed funding of lobbying efforts and, subsequently, structures that could influence Parliament to advance agendas unrelated to protection, instead exploiting the embedding of extrajudicial processes to manipulate human behaviour.

Ideologization of the Family Division: Constructing the "Victim"

Leveraging its unique structure, isolation, and extensive judicial discretion, the Family Division progressively became a crucible for ideological development in family justice. At the heart of this process was the deliberate creation of a recognizable object of protection—the "victim." By defining and framing certain parties as inherently vulnerable, the court established a conceptual foundation that justified far-reaching interventions.

In cases involving cruelty or the protection of "vulnerable" individuals, the Division's highly controlled, almost sterile environment provided ideal conditions for experiments on both the legal system and the people subjected to it. Protective mechanisms could be gradually reversed or repurposed, and procedures developed that effectively produced "legally vulnerable" or dependent individuals, whose rights could be preemptively curtailed under the guise of safeguarding.

This institutionalization of the "victim" allowed preventive interventions to be normalized, judicial discretion to be extended, and ideological objectives to be embedded in everyday practice. By transforming individual cases into models, the Family Division systematically linked legal processes to ideological aims, turning the conceptual victim into both the symbol and instrument of a broader, controlled vision of family justice.

Reversal of Equality: Constructing the Male "Perpetrator"

To undermine the protective mechanisms of the law, it was necessary to create a conceptual object that could be framed as inherently culpable—an individual against whom these mechanisms could be directed. In the ideological transformation following the establishment of the Family

Division and its Principal Registry, this object was identified as the male spouse.

Prior to the 1970–1971 reforms, British family law formally ensured equality between spouses: both men and women could initiate divorce, claim custody, assert property rights, and seek protection against cruelty. Judicial practice at the time was grounded in factual evidence and formal legal criteria, and preventive interventions were limited. Legal terminology was precise, and the foundations of what would later evolve into the concept of "domestic violence" were embedded in concrete judicial language. For example, late-1960s decisions frequently described cruelty as *"conduct rendering it unreasonable to expect the petitioner to live with the respondent,"* accompanied by references to protecting *"the weaker party"* or *"the spouse in need of protection."*

This reflected a moral-legal conception of victim protection, which underpinned the authority of the Family Division. At this stage, the woman had not yet been systematically portrayed as an inherently helpless or victimized figure; the prevailing assumption was that spouses were legally equal, with no predetermined victim or aggressor.

In 1970-1990, however, an ideological transformation became apparent. Under the influence of feminist organizations and broader social discourse, the woman came to be constructed as the "helpless victim" and the man as the "aggressor," despite formal legal parity. This framing facilitated the consolidation of institutional resources, intensified public focus, and expanded judicial powers, including the ability to implement preventive interventions before any legally established wrongdoing.

In short, prior to the 1970–1971 reforms, legislation governing marriage and divorce—including the Matrimonial Causes Acts of 1923 and 1937—ensured formal parity: neither spouse was automatically assigned the role of victim or aggressor, and both were equally entitled to seek legal relief. The subsequent ideological construction of the male as inherently culpable marked a significant departure from this legal baseline, signaling the beginning of a systemic shift in the administration of family justice.

Evolution of Family Court Practice in England: Equality and Ideologization

Period	Law / Spousal Practice and Rights	Commentary from the Perspective of Preventive Justice
1923–1970	Matrimonial Causes Acts (1923, 1937, and subsequent)	Both husband and wife formally enjoyed equal rights regarding divorce, custody, and property claims. The ground of "cruelty" applied equally to both spouses.	Courts acted based on formal criteria; interventions occurred only after cruelty had been established. Closed hearings were rare. There were no preventive orders restricting personal freedoms or behavior.
1970–1971	Creation of the Family Division and Principal Registry	A separate jurisdiction for family matters was established within the High Court, concentrating complex cases.	Judicial discretion was strengthened, and closed proceedings became institutionally entrenched. This laid the groundwork for preventive interventions and expanded court discretion.
19701990	Judicial practice without new legislation	The feminist movement began shaping the image of the "helpless wife-victim" and the "male aggressor."	The Family Division became a platform for the ideological transformation of family law. Preventive interventions expanded: courts began making decisions before a wrongdoing had been formally established, guided by the presumed victim.

By transforming the Family Division into a platform for ideological projection, feminist actors constructed a dual narrative: the male spouse was cast as an adversary, while the female spouse became a collective "protected" figure. This framing allowed them to deploy a strategic rhetoric of moral and social urgency to shape judicial practice and legislative outcomes. Their influence progressed through multiple stages: initially exerting pressure on judges, then establishing legal precedents through court decisions, followed by practice directions, and finally leveraging lobbyists and public opinion to generate societal pressure, ultimately guiding Parliament toward targeted legislative changes.

Domestic Violence & Matrimonial Proceedings Act 1976 – Introduced temporary court injunctions, including the right to remain in the home against the resident's wishes. Judges actively applied these measures, establishing the practice of preventive intervention before Parliament formally regulated them.

Domestic Proceedings & Magistrates' Courts Act 1978 – Simplified the issuance of injunctions and broadened access. The Family Division established practices allowing the court to respond to domestic violence even without criminal charges, effectively creating new de facto norms.

Davis v Johnson [1979] (Court of Appeal) – The concept of the "battered wife" was recognized as deserving legal protection, though courts noted that attempts at protection sometimes violated formal limits, prompting changes in judicial practice.

R v Brown (1976) – Although a criminal case, the decision confirmed that violence within marriage (even in the private sphere) is not justified by law. This reinforced family courts' ability to protect victims and legitimized judicial measures even without criminal proceedings.

R v H (Rape: Marital Exemption) [1991] – The court acknowledged that spouses are not exempt from liability for rape. This decision became key for the model: it created a judicial doctrine shaping cultural family norms independently of parliamentary law.

1984

Loss and Compensation of Family Division Influence After the Expansion of County Court Jurisdiction

Prior to 1984, the Family Division maintained a virtual monopoly over divorce and numerous family-related cases, granting it substantial authority in shaping judicial practice and guiding the development of family law. The Family Law Act 1984 changed this landscape by empowering County Courts to hear divorces and related matters, thereby reducing the Family Division's exclusive jurisdiction.

In response, the Family Division reinforced its influence through the strategic use of Practice Directions and the establishment of precedents, which set standards for case management across the judiciary. The court actively developed judicial doctrine and methodologies for the application of family law while coordinating and standardizing procedures to ensure

uniformity in legal practice.

Although the expansion of County Court jurisdiction meant a partial loss of direct influence, the Family Division compensated by leveraging managerial and methodological tools, thereby maintaining its leadership in shaping and sustaining the standards of family law nationwide. During the 1980s and 1990s, the growing presence of female judges, many of whom held feminist perspectives, further embedded these views into the Family Division, amplifying their impact on judicial practice and the evolving ideological orientation of family law.

The Emergence of the Legal Category "Domestic Violence"

The term **"**domestic violence" entered British public discourse in the early 1970s. Although the phrase had occasionally appeared before—usually in its older political sense—it first took on its modern meaning, *violence within the home*, in 1973, when MP Jack Ashley used it in the House of Commons. Two years earlier, in 1971, Erin Pizzey had opened the world's first refuge for women and children in Chiswick, London, drawing significant public attention to the issue.

From the mid-1970s, the concept began to take root in the work of the Family Division, most notably through the Domestic Violence and Matrimonial Proceedings Act 1976, which introduced civil protection orders and formally recognised domestic violence as a distinct legal issue. This marked the beginning of a gradual but profound shift in family law—linking the Family Division to an emerging ideological and legislative framework centred on domestic violence.

Prior to this development, violence in the home was addressed through existing legal categories such as:

- Cruelty – conduct rendering it unreasonable to expect the petitioner to continue living with the respondent;
- Assault – a criminal act of physical attack;
- Molestation – harassment or interference.

These terms focused on the *act itself*, rather than the *nature of the relationship* between the parties. This ensured the application of a single, universal legal standard, whether the aggressor was a family member or a stranger. In everyday speech, such incidents were more likely described as a "family row" or "domestic quarrel" rather than framed as a separate legal

phenomenon.

As the feminist agenda became institutionalised within the legal system, a new logic took hold: if the aggressor was a family member, they were considered inherently more dangerous and thus required special legal measures.

Initially, many judges resisted, warning that defining aggression based on the *relationship* rather than the *act* would inevitably produce unequal application of the law. For example, the same physical shove might be treated as a criminal offence if committed by a partner, yet ignored if committed by a stranger.

They cautioned that designating domestic violence as a distinct legal category risked undermining core legal principles:

- Equality before the law;
- The requirement for objective evidence;
- Protection against procedural abuse;
- The universality of human rights—where a person's rights could be diminished simply because they were a spouse or partner.

Despite this opposition, pressure from pro-feminist judges and advocacy groups eventually overcame judicial resistance. Around the concept of "domestic violence," a new legal and political industry began to form.

By the 1990s

Family Division as a Judicial Mutant

By the 1990s, the Family Division had evolved into a peculiar hybrid unlike any other in global judicial practice. It combined diverse elements:

- From ecclesiastical courts — a moralizing approach to adjudication.
- From probate departments — a bureaucratic, document-driven style: applications converted directly into orders, often unilaterally and without adversarial proceedings.
- From a sense of exclusivity — an aura of intolerance and a belief that judges possessed exceptional knowledge to determine fault and dispense relief.

The result was a body that fused moral oversight with bureaucratic

control, wielding quasi-parliamentary power and influence that extended far beyond its courtroom—and even beyond the UK—bolstered by the High Court's prestige, the historic authority of English law, and London's growing status as an international hub of finance, business, and investment.

Unique Characteristics

- Quasi-Judicial Nature — Formally judicial, yet free from strict common-law norms binding other courts.
- Quasi-Criminal Character — Civil orders whose breach could result in criminal sanctions.
- Judicial Autonomy — The Family Division effectively set new norms through case law, particularly regarding victim protection посредством управления поведением граждан, long before statutory laws codified these practices.
- Lack of Accountability — The court was free from external oversight.
- Secrecy — Proceedings were highly confidential, with press bans, gag orders, and the ability to issue ex parteorders.
- Isolation from the Public — Created as a specialized rather than territorial court, it was distant from the families and children it purported to protect.
- Strategic Location — Situated near Parliament, law firms (sources of paying clients), and the City (a global, supranational financial hub).
- Creation of the "Adversary" — Women or children were framed as protected objects, with the opposing party cast as the source of threat который надо было побороть путем запретов и контролируя поведение.
- Ready-Made Rhetoric — Used to secure public consent and obscure the court's real mechanisms of influence, maintaining societal compliance akin to reactionary religious structures.

Legacy and Working Methods

- *Moralizing Approach* — Inherited from ecclesiastical courts via the PDA Division, with a conviction of exceptional judicial authority.
- *Bureaucratic Orders* — Similar to probate practice: unilateral, form-based, and document-driven.

- *Parliamentary Bypass* — The court could effectively legislate through precedent, later formalized into law.
- *Parliamentary Influence* — Lobbying groups and suppression of dissenting, traditionally-minded MPs shaped legislative outcomes.
- *Symbiosis of Interests* — Collaboration between the court, parliamentary lobbyists, lawyers, and City financiers.
- Preventive Doctrine — Intervention prior to any legally established wrongdoing.
- *Principal Registry* — A flexible adjunct that adapted functions as needed.
- *Ever-growing influence* — Due to its exceptional status and emerging ideological role, the Family Division could exert pressure and extend its influence across other High Court divisions, shaping wider areas of law and legal practice.
- *Court divisions and areas of law and practice.* It leveraged the prestige of English law to promote novel, controversial approaches.

Platform for Transformation

Although there is no evidence of widespread abuse, the structure was already a ready-made platform for radical reforms, implementation of social-engineering results behind closed doors, and exporting innovations abroad under the authority of English legal tradition.

Conclusion:

The Family Division as an Ideological Hub: Legal Transformation by the Late 1980s

By the late 1980s, the Family Division had fully matured into a platform where law, ideology, and social engineering converged. Its unique combination of isolation, extensive judicial discretion, and procedural control enabled the court to shape legal doctrine and influence societal perceptions of family, marriage, and vulnerability.

Temporary injunctions, once exceptional, had become routine—frequently favoring women with exclusive residence rights, the removal of husbands from shared homes, the application of restrictions and

advantages in custody, and financial claims. Civil and criminal distinctions blurred as preventive interventions expanded, often preceding any formal determination of wrongdoing. In this environment, the court retained a moralizing tone inherited from its ecclesiastical legacy, now reframed through a gender-political lens, frequently acting without full adversarial proceedings.

Bureaucratic procedure reinforced unilateral decision-making: written applications and formalized documentation allowed outcomes to be determined largely on paper, reducing human complexity to procedural formality. The Family Division also became an ideological engine, institutionalizing the concepts of "victim" and "aggressor," embedding activist-driven norms into case law, and training judges through NGO-led programs. Its precedents shaped not only individual cases but the broader culture of family justice, gradually redefining legal interpretations of marriage, spousal duties, and the protection of vulnerable parties.

While magistrates' and county courts mostly applied existing rules, the Family Division actively developed and promoted new legal principles and ideological approaches. It became the epicenter of preventive, politically inflected family justice—a laboratory for experimentation in law and social control whose influence extended far beyond its own courtroom walls.

The entire system served a clear purpose: to spread fear and terror among people, keeping them in constant dread of punishments whose origin was unknown.

Chapter 4

EARLY CIVIL REMEDIES AND THE GENESIS OF PROTECTIVE LAW

- Early protection orders without proof of crime
- Entry of the state into the family domain
- The first transformation of civil law into behavioural management
- Legislative materials showing the first legal innovations
- Domestic Violence and Matrimonial Proceedings Act 1976
- Domestic Proceedings and Magistrates' Courts Act 1978
- Matrimonial Homes Act 1983
- Matrimonial Homes Act 1983 and the shift from marriage to occupation rights

Introduction:

The First Breach

By the mid-to-late 1970s, the feminist movement in the United Kingdom had undergone a rapid transformation—from a decentralised protest culture into an increasingly institutionalised, professional, and politically embedded apparatus. Backed by sympathetic local councils, emerging NGO networks, and new funding streams from the Home Office, NHS, and international foundations, feminist advocacy

organisations such as Women's Aid and Refuge began to influence policymaking with growing authority.

At the centre of their strategy was not legal precision or adversarial challenge but emotive mobilisation: anonymised victim testimonies, statistical framing, and public shaming of dissenters. Judges, scholars, and MPs who questioned reforms were often accused of misogyny or complicity in domestic abuse. Legal traditions like evidentiary standards, due process, and presumption of innocence were reframed as patriarchal obstacles to victim protection. Within this climate, feminist actors succeeded in recasting family conflict as a public emergency—and the law responded.

The Domestic Violence and Matrimonial Proceedings Act 1976 (DVMPA) was the first major legal concession to this pressure. It enabled courts to issue non-molestation and exclusion injunctions within family proceedings without requiring proof of criminal wrongdoing. Although formally limited in scope, the Act broke doctrinal boundaries: judicial power entered the domestic sphere not to adjudicate crime, but to pre-empt risk.

This chapter examines the emergence of civil protective orders and their role in transforming both legal culture and institutional expectations. It argues that the 1976–1983 period marked a foundational shift from adversarial, rights-based adjudication toward a preventive, discretionary model of justice, driven less by legal doctrine and more by political and social activism.

The First Legal Concession:
The Domestic Violence and Matrimonial Proceedings Act 1976

The DVMPA 1976 was a short but revolutionary statute. It allowed courts to grant non-molestation injunctions and exclusion orders during family proceedings, even when no criminal charge had been brought. These orders were civil in nature but carried penal consequences upon breach—blurring the line between civil protection and criminal enforcement.

Key features:

- No requirement of criminal proceedings or evidence beyond the civil balance of probabilities.
- Injunctions could be granted based on claims of "fear."
- Orders could attach powers of arrest, allowing police intervention for a breach of a civil order.

This was a doctrinal rupture: for the first time, a civil court could deprive an individual of liberty or access to property without trial, without conviction, and without cross-examination of the accuser. The Act functioned as an auxiliary tool in divorce or separation cases—but its logic was transformative. Risk and anticipated harm replaced provable misconduct as the court's primary concern.

Civil Injunctions Within a Preventive Framework:
The 1978 and 1983 Acts

Following the 1976 Act, the **Domestic Proceedings and Magistrates' Courts Act 1978** extended similar powers to magistrates' courts, traditionally the lowest judicial tier. It introduced:

- Ex parte protective orders, issued without notice to the respondent.
- Arrestable exclusion orders, even without formal criminal charges.
- The use of protective logic in maintenance, custody, and welfare proceedings.

The **Matrimonial Homes Act 1983** then built upon these innovations by formalising the "right to remain" for non-owning spouses. A husband or wife could no longer be evicted from the family home—even if they lacked ownership or tenancy rights—unless the court explicitly authorised it.

Judges now adjudicated not based on contract, property, or tort, but on welfare, emotional risk, and family power dynamics. These Acts signalled that private domestic life was no longer beyond legal intervention.

The Matrimonial Homes Act 1983:
From Property Rights to Occupation Rights

1. Right to occupy

The Act secured the right to live in the matrimonial home for spouses

(and, in certain cases, cohabitants), even if one of them had no ownership or tenancy rights.

Section 1:

"Where a spouse has no estate or interest in a dwelling-house... he or she shall nevertheless have a right not to be evicted or excluded from the dwelling-house by the other spouse..."

This provision meant, for example, that a wife could not simply be evicted by her husband even if the property belonged solely to him.

2. Court powers

Courts gained authority to grant one party exclusive rights of occupation or to prohibit the other party from approaching the home, even in the absence of any criminal proceedings.

Section 4:

"The court may, on the application of either spouse, make an order restraining the other spouse from evicting or excluding the applicant..."

This marked a shift from property disputes to restrictive measures based on claims of violence, threats, or discomfort.

3. Expanding the definition of violence

Although "violence" was not defined in the statute, case law of the period broadened its scope. It came to include not only physical harm but also psychological pressure, threats, and fear.

Davis v Johnson [1979] — Lord Scarman observed: "Violence is not limited to physical injury; it includes conduct which puts a person in fear."

4. Ex parte occupation orders

By the 1980s, courts could grant temporary prohibitions without notice to the other party (ex parte), particularly when the applicant alleged a risk of violence. However, such measures were rare and exceptional, usually arising within divorce proceedings—for example, when cruelty was cited as a ground for dissolution. These measures, often based only on one-sided claims, later became standard in the Family Law Act 1996.

Historical Significance and Continuity

The Matrimonial Homes Act 1983:

- Expanded the legal basis for extra-criminal restrictions.
- Introduced precedents for limiting access to children and homes without criminal trials.
- Institutionalised the idea that an allegation of "violence" could suffice to deprive one party of residence and contact rights.

It was later repealed and absorbed into the Family Law Act 1996, which created a more comprehensive system:

- Occupation Orders (successors to matrimonial home rights),
- Non-Molestation Orders (restrictions on contact or proximity),
- A broader statutory definition of "abuse."

Structural Comparison: Then vs. Now

Time Period	Legal Basis for Orders	Type of Proceedings	Individual Application Possible?
1970s–80s	Family law (DVMPA, DPMCA, MHA)	Divorce, custody, support	❌ No
1990s	Transitional (FLA 1996)	Standalone or linked	⚠️ Partially
2000s–Present	Administrative protective law	Standalone; victim-centred	✅ Yes

These early statutes did not yet establish universal protective rights. Instead, they inserted discretionary protective powers into family proceedings. Yet, they created the doctrinal foundation for today's system—where an individual can secure a state-backed order against another person, often without criminal context or robust due process.

Conclusion:

The First Breach in the Legal Wall

The DVMPA 1976 was not a mere technical reform but a symbolic turning point. It marked the first formal concession of the legal system to ideological activism, opening the way for deeper structural changes.

What initially appeared as a narrow exception—intended to address extreme cases and appease campaigners—carried within it a transformative logic: intervention without crime, judgment without evidence, protection without process.

Once courts accepted that emotionally framed testimony and risk-based reasoning could override established safeguards, the autonomy of law itself was

compromised. Activist networks understood the significance of this breach. They discovered that pressure worked—and once the system yielded, they never let go.

The Matrimonial Homes Act 1983 thus represents the first serious institutionalisation of protective ideology beyond the criminal sphere. It signalled the beginning of a deeper process: the gradual abuse of one party's rights under the pretext of protecting the other. It was the beginning of the abuse of the other party's rights and the start of the degradation of due process and common law principles..

Chapter 5

LEGAL AND ENFORCEMENT LANDSCAPE BY THE LATE 1980

Key Themes:

- Handling of domestic cases under civil—not criminal—law
- The growing influence of feminist advocacy on law and procedure
- Police discretion and the limits of state intervention in the private sphere
- Early institutional boundaries before the shift to preventive justice
- Traditional police role and public order doctrine
- Family courts and civil law procedures

Family Justice Before Specialisation:
Fragmented but Shifting

In the 1970s and 1980s, the United Kingdom had no independent family jurisdiction. Family disputes—including divorce, custody, and maintenance—were processed within the existing civil framework. Although the Family Division was formally established in 1971, its integration into the High Court ensured that family law retained a predominantly civil character, emphasising private remedies, procedural discretion, and minimal state intervention.

The absence of a standalone family jurisdiction reflected the prevailing legal ideology: domestic matters were not inherently criminal and did not

justify the coercive mechanisms of public law. However, by the late 1980s, this principle was increasingly contested by advocacy networks and social reform movements that sought to recast domestic conflict as a matter of public concern.

Feminist Lobbying and the Emergence of Civil Remedies

Throughout the 1970s and 1980s, feminist organisations—including Refuge, Women's Aid, and associated academic centres—successfully reframed what had previously been regarded as marital disputes as domestic violence, conceptualised as a systemic issue rooted in patriarchal power structures rather than isolated acts of misconduct. With support from local authorities, international funding bodies (such as the Ford Foundation and Open Society Foundations), and sympathetic legislators, these organisations pursued a coordinated legal strategy:

- Decentralised yet networked: sharing testimony, lobbying MPs, and producing shadow reports.
- Strategic use of civil law: focusing on contexts where the burden of proof was lower and emotional claims could carry weight.
- Shifting legal language: from "marital conflict" to "power and control," and from "assault" to "coercive pattern."

This activism produced key legislative achievements:

- Domestic Proceedings and Magistrates' Courts Act 1978: permitted exclusion and non-molestation orders without the need for criminal charges.
- Matrimonial Homes Act 1983: codified a civil right to remain in the home regardless of legal ownership.

Although formally civil in nature, these remedies operated as coercive interventions into private life, based on perceived risk rather than proven wrongdoing. This framework laid the groundwork for what would later be termed preventive justice.

The Role of Police and State Enforcement

Despite these legal developments, the police remained structurally conservative throughout the 1970s and 1980s. Their role can be characterised as follows:

Police Role	Characteristics
Law enforcement	Bound by traditional evidentiary standards
Minimal family intervention	Domestic disputes viewed as private
No domestic violence protocols	No training or dedicated units
Reactive, not preventive	Intervention occurred only in cases of public harm or serious injury

Feminist critiques highlighted the state's passive approach as a form of structural complicity. Nonetheless, institutional inertia and established legal doctrine constrained proactive policing until the late 1980s. Policing culture remained cautious, resisting attempts to extend coercive measures against individuals without clear evidence.

Comparative Legal Status in the Late 1980s (UK)

- Family Courts: No independent structures existed. Domestic cases were processed through general civil courts, without specialised jurisdictions or procedures.
- Protective Orders: These were available only within the context of ongoing family law proceedings, typically associated with divorce or claims of cruelty. There was no concept of standalone protective measures or a general public protection model.
- Civil/Criminal Divide: Formally maintained in law, though blurred in practice by enforcement mechanisms within civil orders (e.g., contempt of court).
- Police Involvement: Minimal. Domestic incidents were not prioritised, and officers received no specialised training. Physical assaults were prosecuted under general criminal law, like any other bodily harm.
- Procedural Law: Largely fragmented and inconsistent across jurisdictions. Until the early 1990s, no unified legal framework existed for systematically handling domestic cases.

Prior to the Family Law Act 1996 and corresponding amendments to the Family Proceedings Rules:

- Courts lacked centralised instruments for widespread application of protective orders.
- Operations were largely ad hoc, based on precedent or common law principles.
- Statistical data on cases were incomplete.
- Ex parte orders were not a systematic tool.
- Instances of procedural abuse were already present.

Conclusion:

A System on the Edge of Transformation

By the late 1980s, the UK family justice landscape was defined by tension and transition:

- Civil Remedies with Punitive Effects: Orders issued in civil contexts increasingly carried significant consequences, yet lacked the procedural rigour of criminal trials.
- Blurring of Legal Boundaries: The Family Division and Family Proceedings Rules created a hybrid zone where the moral authority of victimhood began to outweigh adversarial fairness.
- Minimal Criminal Enforcement: Police forces remained reactive and doctrinally neutral, while feminist actors interpreted this neutrality as institutional inaction.
- Rising Pressure, Incomplete Reform: Advocacy groups had secured key procedural victories but were not yet satisfied, turning their attention to shaping enforcement, training police, and reframing state duties under the umbrellas of "public health" and "human rights."
- Early Abuse of Ex Parte Orders: Procedural misuse was already occurring, foreshadowing more systemic challenges in the 1990s.

Framing Insight:

England's evolving family justice regime was not a neutral bureaucratic development but a deliberate institutional realignment, driven by ideological, political, and philanthropic networks. What began as targeted reforms became the foundation for a dual legal system, where private law increasingly functioned as a vehicle for public punishment. This innovation was unprecedented internationally and would soon serve as both a model

and a cautionary tale for other jurisdictions navigating the boundary between protection and coercion.

Transition to the 1990s

By the early 1990s, the United Kingdom was still a country marked by broad personal freedoms, a stable and respected legal order, and high standards of living. Public trust in institutions remained strong—both in the social fabric generally and in the courts in particular. The law retained a distinctive clarity: prohibited acts were defined in advance, punishments were predictable, and people understood that if they refrained from unlawful conduct, they had nothing to fear.

The figure of the independent judge—careful not to betray public confidence—stood as a visible guarantor of rights against abuse, whether from state power or from private malice.

The police, though increasingly subject to political rhetoric and campaigning—especially from feminist organisations—remained focused on prosecuting actual violations of the law rather than hypothetical risks. Domestic disputes were still largely considered private matters, beyond the scope of routine state intervention.

It seemed, however, that feminist reformers had already achieved their core objectives: laws they had criticised as archaic and patriarchal were replaced with modern statutes that guaranteed women's rights. At the same time, men—particularly fathers—were increasingly treated as presumptive aggressors who could be removed from the family home on mere application. Novel legal instruments were codified to support this shift, most notably restraining orders. Although formally civil in nature, these orders carried the weight of criminal sanctions for any breach.

Taken as a whole, the legal architecture of the early 1990s appeared modern, comprehensive, and well-designed to protect women and other vulnerable groups. Families might reasonably have expected to be left in peace.

In practice, however, what was celebrated as the culmination of reform became the launching platform for a new and far more intrusive phase of

state intervention; it unfolded above all through the expansion of these preventive legal mechanisms

Part II

Legal Engineering in Action: Constructing the Infrastructure of Preemtive Control (1990–2010)

1990–2004

The beginning of the inversion of rights and the legalisation of the foundation of a parallel law system

Behind the 1990s Reforms: An Authorial Perspective

In the early 1990s, the United Kingdom became the site of a unique global legal experiment. Actions were taken that defied centuries of legal tradition, creating legal simulacra—*quasi-legal norms* that imposed punishment or sanctions for entirely lawful behaviour.

To acclimate society to this radical turn in legal science and to conceal that lawful actions were being punished, various rhetorical and procedural techniques were employed:

- **Pre-emptive rhetoric:** A narrative of compassion and urgency was deliberately created, suggesting that existing police powers or criminal laws were insufficient. The emphasis on "prevention" was intentionally vague, leaving undefined what was being prevented. Critics who defended Common Law principles were portrayed as callous or insensitive, while reasoned objections were framed as cruelty.
- **The creation of the "domestic violence" category:** By using a familiar, emotionally charged term, the law (FLA 1996) gave the appearance that sanctions applied only to clearly forbidden acts. In reality, "domestic violence" became a new legal category with vague criteria, granting courts wide discretion.

  This created the illusion that people could know in advance which

behaviour was punishable, when in fact they could not. It effectively legalized punishment for conduct that was not formally prohibited, forming a legal simulacrum that combined the appearance of order with deep uncertainty and the potential for arbitrary intervention.

- **The Protection from Harassment Act 1997:** This Act introduced a shocking innovation: for the first time, criminal punishment could target entirely lawful actions. The 'pattern of behaviour' concept disguised this shift, allowing lawful acts repeated on just two occasions to trigger punishment. Ordinary conduct was thus transformed into a tool of state control, hiding the unprecedented criminalisation behind legal terminology and creating uncertainty and intimidation.

Punishing lawful behaviour represented a radical break in the logic of justice.

To appreciate the magnitude of this rupture, consider the historical foundation of law: from antiquity to the Enlightenment, legal systems maintained social order by clearly communicating prohibited actions.

In Mesopotamia, the Code of Hammurabi was inscribed on public steles; in medieval Europe, town criers announced the law in marketplaces. The Roman maxim *nullum crimen, nulla poena sine lege* underpinned criminal law, while William Blackstone emphasized in *Commentaries on the Laws of England* (1765–1769) that "any law punishing before the forbidden act is clearly defined is tyrannical." Cesare Beccaria, in *On Crimes and Punishments* (1764), similarly insisted that laws must publicly and clearly declare crimes and punishments to safeguard citizens' freedom.

Law has always relied on fear—but fear of punishment for clearly forbidden acts, communicated openly, not for lawful conduct kept secret. British statutory law adhered to this principle rigorously: until the late 20th century, all criminal statutes clearly defined prohibited conduct in advance.

Against this historical and philosophical backdrop, late 20th-century British legal reforms—criminalizing "harassment" or "domestic violence" based on vague notions like a "course of conduct" rather than specific unlawful acts—marked a radical break from centuries of legal tradition. Punishments were invented for unclear actions: fear remained, but it was irrational, as citizens could not know which acts were punishable.

Claims that these reforms were necessary to combat crime or maintain public order are therefore questionable.

If this were their true aim, why obscure in advance what conduct would be punishable? Why instill a diffuse, unpredictable fear instead of deterring clearly defined offences?

These reforms appear not to have targeted crime or public order, but instead functioned as a form of deliberate deception.

This raises the question of *mens rea:* what intent guided the architects of these laws, later realized in the *actus reus* of those implementing them in Westminster? Some may have acted in good faith, but the legislation's structure suggests a strategy designed to manipulate citizens through uncertainty and fear.

The British legal reforms of the 1990s, beginning with the Family Law Act 1996 and the Protection from Harassment Act 1997, can be seen as tools for extending control over individuals—whether by the state itself or by less visible "shadow" forces.

This interpretation is supported by decades of consistent legislative expansion, suggesting a planned strategy. Absolute top-down control is impossible in modern society, yet these laws exploit fear itself: by blurring legal norms and removing predictability, they create a non-rational fear far stronger than conventional deterrence, making citizens more malleable.

The mechanism is subtle. While the law preserves the threat of punishment, it obscures what conduct is prohibited. Broad, vague categories—"domestic violence," "harassment," "abuse," "coercive behaviour"—extend intervention under the guise of "protection" or "risk prevention," bypassing key Common Law safeguards like due process and the presumption of innocence. In this system, fear becomes the primary instrument of control rather than the clear communication of legal boundaries.

INTROUCTION:

The Paradox of Reform: Silence on Rights, Enthusiasm for Restrictions

In examining the legal and social landscape of the early 1990s, it seems crucial to highlight a largely overlooked fact. Understanding this fact helps

However, reaching this point was a long and uneven process. Resistance arose along the way, but it was eventually suppressed or circumvented. For to simplify and clarify the interpretation of the events that followed after 1990.

The two decades between 1970 and 1990 were marked by intense activity from legal reformers. They criticized the government for maintaining "archaic" and "patriarchal" laws that, in their view, failed to protect women's rights. Much was achieved. In this sense—through the so-called modernization of law and human rights—Britain appeared, by the late 1980s, to be at the global forefront. At least, this is what the British public was led to believe: that their rights were carefully and reliably protected by the state.

Yet, on closer inspection, reality looked very different. In matters of human rights and their guarantees by the state, Britain was far from being a leader in global practice. On the contrary, it trailed behind religious monarchies and even authoritarian regimes. This may sound shocking, but it is a documented fact.

What was inexplicable from the standpoint of rational judgment or

common sense was that, by the late 1980s, Britain was almost unique in refusing to provide its citizens with explicit protection through a dedicated statutory human rights law. This refusal was both surprising and suspicious. It ran directly against the global trend of the time. Across the world, countries that had not yet enshrined human rights in their constitutions were rushing to adopt statutory guarantees. They were driven by two main forces: internal modernization efforts, and the fear of appearing backward on the international stage.

Britain, however, did not respond to this trend. Instead, it remained an outlier, almost an outcast. The situation was carefully hidden behind its reputation and a handful of so-called modern laws. These laws addressed the protection of small, specific groups, while the foundational protection of rights for all citizens was entirely absent.

It was precisely these laws that were demanded at the very moment when feminist rhetoric dominated the public space. Slogans blared from every podium and placard: *"Women's rights are human rights." "End domestic violence." "Equality for women." "Justice in the family." "Protect the vulnerable."*

No one seemed to notice the striking contradiction in public rhetoric. The laws of the 1960s were loudly condemned as "archaic," "patriarchal," and "outdated." Yet in the field of human rights, Britain continued to cite, with pride, documents such as the *Petition of Right* (1628), the *Habeas Corpus Act* (1679), the *Bill of Rights* (1689), and even, with particular pomp, the *Magna Carta* (1215). These were presented as if they remained sufficient and modern.

This posture amounted to falseness and misrepresentation. Strikingly, no voices in the country called for the obvious alternative. There were no crowds marching with banners reading *"Guarantee fundamental human rights," "Codify basic liberties,"* or *"Protect the rights of all citizens equally."* One might think such protests would have taken place on the steps of Parliament, demanding real legal modernization.

Great care was taken to ensure that the subject of absence of the law similar to those adopted abroad was not debated in the media or in Parliament. Public attention was diverted instead toward trivial issues.

It should be remembered that at that time, laws were promoted under the guise of protecting specific groups of the public who were declared *"vulnerable."* This protection came at the cost of suppressing the

rights of others, who were designated as *"perpetrators."* By the late 1980s, the category of "perpetrator" was defined almost exclusively as men—primarily husbands and fathers. Within this framework:

- preventive mechanisms such as restraining orders and *ex parte* measures were introduced;
- courts' powers to intervene in private life without requiring evidence of wrongdoing were expanded;
- traditional safeguards against arbitrariness were steadily reduced, all under the guise of protecting victims.

Keeping these processes in mind, it is evident that two contradictory approaches cannot be pursued simultaneously: on the one hand, a law that guarantees equal rights to all, and on the other, a legislative direction that elevates the rights of one group at the expense of suppressing the rights of another.

The state's unusual behavior indicates that by the early 1990s, a deliberate plan was already in effect. This plan aimed to suppress liberties and rights through the expansion of restrictive orders and legislation.

From the author's perspective, the idea was already taking shape to eventually legalize a system akin to the DAA 2021. Such a system would effectively finalize the dismantling of all protective legal mechanisms. It would remove every legislative obstacle to depriving individuals of their rights and liberties, and institutionalize a framework of extrajudicial punishment and total control that could be activated as needed.

However, reaching this point was a long and uneven process. Resistance arose along the way, but it was eventually suppressed or circumvented. For example, in 1998, as an EU member, Britain could no longer delay and was compelled to adopt the Human Rights Act (HRA), which came into force in 2000. Yet the law's influence was effectively neutralized, as attention was diverted to minor issues, such as its application to questions concerning migrants or prisoners. Meanwhile, the development of intimidatory instruments and the gradual erosion of Common Law safeguards continued steadily, following their own course.

Further developments proceeded along the following lines:

1. It was legally impossible to dismantle the protective mechanisms of the legal system. Even the most ambitious or corrupt lobbyists in

Westminster would not have supported such measures. To bypass this obstacle, a parallel system was created.

2. This parallel system aimed to weaken the principles of Common Law and universal principles of justice under various pretexts. Family law served as its foundation. It allowed measures such as "emergency" or "safety" interventions, emotional manipulation, the showcasing of vulnerable individuals, and pressure on resistant politicians or judges. To function, the system had to be fully detached from the Civil Law framework, which operated according to Common Law principles.
3. An ideology resembling a religion was constructed around a "victim" cult. Anyone designated a abstract victim—whether of violence, abuse, or controlling behavior—was automatically considered righteous. Their testimony was to be accepted without question. Doubters were branded *heretics*.
4. The Family Division emerged as the central stage for this new ideology. It offered a controlled, almost sterile environment, ideal for experimentation. Unlike local courts, where a person faced a judge directly, this Division was detached from public view. Its operations followed traditions of moralizing bureaucracy, where an application was treated as a document—or an order in itself. From this platform, the Division could sidestep Parliament through precedent, push legislation, issue practice directions, and enforce judicial routines that echoed medieval inquisitions.

   Its appendage, the administrative office known as the Principle Registry of the Family Division, could be transformed into a fully functioning family court, even though it sat in a district utterly devoid of families or children. Meanwhile, the weightier and strategically important cases stayed firmly under the watchful eye of the main Family Division.

   From this metaphorical tribune, shielded by the towering Gothic walls of the Royal Court of Justice, proclamations could be broadcast, inquisitorial hearings convened, and "crusader" squads—comprising feminists, activist groups, and greedy lawyers—deployed like an army. Over time, judges committed to the principles of Common Law were systematically excluded,

leaving the Division free to shape law and power according to its own designs.

5. The category of "victims" was continuously broadened to expand tools of intimidation under the guise of protection. Initially, it included women, then women and children, followed by the elderly, and later minorities. New groups of minorities were repeatedly declared vulnerable to justify further expansion of coercive measures.
6. Lobby groups in Parliament were strengthened to support and entrench this system. Dissenting voices in Westminster were silenced through shouting, humiliation, and accusations of cruelty. Hereditary peers, traditionally guided by long-standing national perspectives, were replaced by individuals taken literally from the streets. Grateful for their appointment, they felt obliged to vote for legislation—even when they could not understand the substance of the texts due to poor education.

Thus, with not a single law to guarantee fundamental human rights—yet fully equipped with a platform perfectly designed to erode them—the country stepped into the 1990s.

Chapter 6

FROM PRACTICE DIRECTIONS TO PROCEDURAL CODIFICATION

- Family Proceeding Rules 1991

Prior to the introduction of the Family Proceedings Rules 1991, the Family Division relied on Practice Directions to regulate the procedural handling of family cases. These directions functioned as internal judicial guidelines, standardising the submission of documents, forms of application, timelines, and preliminary procedures for civil protective measures, such as non-molestation and occupation orders. Although not formally binding outside the High Court, they provided a framework for procedural consistency and experimentation within the Family Division. Over time, the scope of this area of law expanded steadily, with civil remedies increasingly encompassing a broader range of domestic situations and potential risks.

The Family Proceedings Rules 1991 codified these previously ad hoc practices, transforming informal judicial guidance into formally binding procedures. They were introduced primarily to standardise and streamline the handling of family cases across England and Wales. Prior to their implementation, procedures varied widely between courts, creating inconsistency and uncertainty for litigants. The Rules established uniform forms, filing deadlines, and hearing protocols, ensuring that civil protective measures could be applied consistently and transparently. They reflected legislative developments of the 1980s, including the Matrimonial Homes Act 1983 and the Domestic Proceedings and Magistrates' Courts Act 1978, and aimed to improve efficiency, predictability, and fairness within family

justice.

Beyond procedural standardisation, the 1991 Rules also facilitated the institutionalisation and expansion of coercive measures. By formalising the application processes for non-molestation and occupation orders, including ex parte applications, the Rules transformed discretionary interventions into structured and predictable judicial instruments. While they did not directly create new powers, they established the infrastructure that allowed courts to exercise civil coercive authority consistently, laying the groundwork for the broader preventive and risk-based approach later codified in the Family Law Act 1996.

The Family Proceedings Courts (FPCs), established under the Matrimonial and Family Proceedings Act 1984, were specialised courts operating within the framework of the County Courts. From their inception, the Family Proceedings Rules 1991 applied fully to both FPCs and County Courts when hearing family cases, ensuring uniform procedural standards across jurisdictions. While County Courts retained formal autonomy, compliance with the Rules was mandatory in all family proceedings, including applications for non-molestation and occupation orders and ex parte hearings. This standardisation not only facilitated consistency and predictability in judicial practice but also reinforced the institutionalisation and expansion of civil coercive measures across the family justice system.

Examining the historical trajectory of coercive measures, it is evident that the Family Proceedings Rules 1991 played a pivotal role in embedding coercive powers within English family law. By standardising procedures for applying for non-molestation and occupation orders, including ex parte applications, the Rules transformed what had previously been ad hoc or discretionary interventions into structured and predictable judicial instruments. Although they did not create new powers themselves, these procedural frameworks facilitated the consistent and efficient use of civil protective orders, legitimising judicial intervention in the domestic sphere. In effect, the 1991 Rules provided the infrastructural foundation for subsequent expansions under the Family Law Act 1996, enabling a broader preventive and coercive approach that increasingly prioritised risk management over evidentiary proof of wrongdoing.

The Family Proceedings Rules 1991 therefore represent the moment at

which English family law consolidated into a distinct and self-sustaining field, providing the procedural foundation upon which its subsequent evolution would rest.

Chapter 7

THE LAW COMMISSION
as Architect of Legal Engineering

- Law Commission (England and Wales) – reformong the law
- The rise of the Law Commission as architect of family law reform
- The 1992 Report on Domestic Violence and Occupation of the Family Home
- From legal clarity to behavioural management: codifying relationships
- Public legitimacy, hidden consequences
- The architecture of unintended repression
- Comparative Legal Reform: The Law Commission and its Global Counterparts Before 2004
- The Practice Direction 1992, warning against abuses of ex parte orders (disappeared from public access).
- The beginning of global experimentation with legal engineering — the United Kingdom was chosen as the model.

The Law Commission and the Codification of Domestic Intervention

Created under the Law Commissions Act 1965, the Law Commission of England and Wales was designed as an *independent advisory body* tasked with rationalising and improving the legal system. Its public duties were clear: to *modernise, clarify, codify*, and make laws *fairer and more accessible*. By the early 1990s, however, the Commission had become an unexpected engine of deep behavioural governance, particularly within the private sphere of

family life.

One of the most pivotal contributions was its 1992 report, *Domestic Violence and Occupation of the Family Home*. This document laid the legal and ideological groundwork for what would become Part IV of the Family Law Act 1996—a section that radically reshaped how civil law could intervene in domestic situations.

From Technical Reform to Societal Engineering

While framed as a response to "inconsistencies and inefficiencies" in protective measures available under existing statutes, such as the Domestic Proceedings and Magistrates' Courts Act 1978, Matrimonial Homes Act 1983, Domestic Violence and Matrimonial Proceedings Act 1976 и Practice Directions, the Law Commission's proposals did not merely consolidate previous remedies—they redefined the basis of intervention itself.

Key features included:

- Unified access to remedies (regardless of marital status or court level);
- Expansion of qualifying relationships to include cohabitants and former partners;
- New types of civil orders (non-molestation and occupation orders), enforceable with arrest;
- Removal of requirement to prove criminal behaviour—permitting *pre-emptive restrictions based on risk*.
- Transformation of protective injunctions into a self-standing legal category, no longer merely ancillary to matrimonial or criminal proceedings.

These legal changes were proposed with technical precision and democratic formality. The Commission conducted public consultations, gathered statistical and anecdotal evidence, and produced *legally rational proposals*. There was *no secret directive*, no visible agenda of coercion. But the function of the legal tools it produced would soon diverge from their publicly stated purpose.

Transparency vs. Trajectory

Looking back, as we unravel the chain of events that culminated in the global legal phenomenon of the Domestic Abuse Act 2021, one crucial stage stands out: the work of the Law Commission in the early 1990s.

Considering the long-term consequences of its activity, suspicions naturally arise about hidden agendas behind certain actions of its members. Was there a coordinated plan at play? The rhetoric employed at the time bears striking resemblance to the language of international institutions. We cannot assert this as fact, yet certain elements raise doubts about the sincerity of the stated intentions.

The Law Commission of 1992 operated openly and professionally. Its proposals were debated in Parliament, and drafts were subject to scrutiny. On the surface, the process appeared transparent and accountable. Yet, as subsequent events revealed, some members of the Commission seemed to pursue concealed objectives, employing carefully crafted rhetorical strategies to cloak their true aims. These were professional judges, fully aware of the weight of their words, adept at presenting innovations as if they were merely protective reforms—while, in reality, laying the foundations of a new legal order.

Many judges and politicians at the time warned of the dangers of expanding the use of civil orders that carried criminal consequences. They cautioned that such measures risked undermining the core principles of Common Law by punishing individuals not for proven actions but for hypothetical risks. Despite these warnings, the proposals of the early 1990s moved in the opposite direction. Instead of tightening safeguards, they lowered the threshold for issuing orders, broadened their scope beyond family disputes, and created a climate in which judges were effectively compelled to impose restrictions. What had once been exceptional became routine, and a mechanism initially presented as protective was transformed into a general tool of preventive justice—applied without trial, often behind closed doors, and enforceable with imprisonment.

While operating in a seemingly open and accountable manner, the trajectory laid out by the Commission ultimately diverged from the public interest. What was presented as protection increasingly became a mechanism for exclusion, dispossession, and enforced silence, especially in acrimonious private disputes. Courts began granting orders without notice, without evidence, and with minimal recourse—demonstrating how

surface-level transparency could coexist with outcomes that undermined fundamental legal principles.

Selective Protection and Hidden Objectives

The following exposes the real intentions of certain members of the 1992 Law Commission, rather than their publicly declared concern for human rights.

While the Commission publicly presented itself as defending human rights, in reality its focus was narrow: it concentrated on the protection of a small, legally recognised group deemed "vulnerable," while ignoring the absence of a broader, fundamental legal framework that would guarantee basic rights to all Brits. This selective approach highlights both the fragility of the British legal system and its divergence from global trends, at a time whe all countries were actively enshrining universal human rights protections.

Paradoxically, while advocating the repeal of "archaic" or "patriarchal" laws of the 1960s, British lawyers often relied in human rights discussions on centuries-old texts—the Habeas Corpus Act (1679), the Bill of Rights (1689), and even the Magna Carta (1215).

For traditionally minded lawyers who upheld Common Law as it existed, referencing these historic statutes was not negative; it reflected the continuity of legal tradition and the careful protection of human rights, as interpreted by prudent judges applying relevant precedents and maintaining public trust.

However, when certain senior judges displayed overtly revolutionary zeal, seeking to modernise laws they considered outdated—even those enacted only decades earlier—and introduced unprecedented legal instruments, their silence regarding the clear absence of fundamental rights protections for all citizens becomes highly suspicious.

The reason is clear. Had legislation guaranteeing rights to all citizens been introduced—or even allowed into open discussion—lawyers and judges, aware of the destructive potential of the proposed measures, would have had far more tools with which to challenge them, in addition to referencing the 1991 Practice Direction (Fam). This would have complicated, or perhaps even prevented, the enactment of Part IV of the Family Law Act 1996.

By deliberately bypassing this possibility, the Law Commission laid the foundation for a system that enabled widespread pre-emptive control and intimidation through protective orders, undermined fundamental principles of Common Law, and entrenched selective legal privileges under the rhetoric of protection.

Suspicious Disregard for Evidence of Widespread Abuses of *Ex Parte* Orders

The following reveals the true intentions of certain members of the Commission, which were quite different from the publicly declared concern for human rights.

The author considers it highly suspicious that the Law Commission acted as it did in this matter.

By 1992, the dangers of ex parte orders to the principles of Common Law and due process had already been officially acknowledged. The risks were so evident that the President of the Family Division, Sir Stephen Brown, felt compelled to issue a *Practice Direction*, instructing judges to justify their decisions, to treat such injunctions as exceptional, and to schedule a return hearing within seven days. Ex parte injunctions—orders imposed without the knowledge of the person being restricted—were declared too dangerous to be left unchecked.

The opinion of the person most directly familiar with the reality of how this new legal instrument operated should have served as a warning to anyone considering its broader application. At the very least, his recommendations for tightening the conditions under which such orders were granted should have been taken into account. Yet this did not happen. On the contrary, the document in question later disappeared from open access, making it more difficult for lawyers who wished to challenge such orders to rely on it.

The disregard for the judgment of an experienced senior jurist—set aside in favour of abstract theorising and rhetorical arguments—strongly suggests that certain members of the Commission were determined to make abuses of this legal instrument widespread.

This deliberate disregard became a turning point in family law, where civil remedies—initially introduced under the guise of protection—evolved into a powerful mechanism of behavioural control.

Law Commission Reports and Their Influence on Preventive Family Law (1980s–1996)

Table that follows the section and outlines the key Law Commission reports and their influence on the development of family law and preventive justice tools, especially leading up to the Family Law Act 1996:

Table: Key Law Commission Reports and Their Influence on Preventive Family Law (1980s–1996)

Year	Law Commission Report / Document	Main Focus	Impact on Legislation / Practice
1980	Family Law: Domestic Violence and Occupation of the Matrimonial Home (Working Paper No. 89)	Investigated remedies for victims of domestic violence; proposed civil orders without criminal charges	Laid groundwork for developing occupation orders; acknowledged tensions between civil freedom and personal safety
1988	Family Law: Domestic Violence and the Occupation of the Family Home (Law Com No. 157)	Refined earlier proposals; introduced clearer criteria for legal intervention and state powers	Formed basis for parliamentary discussions; emphasised preventive rather than punitive logic
1992	Report on Domestic Violence and Occupation of the Family Home	Synthesised public consultation; proposed unified statutory framework for protective orders	Direct precursor to the Family Homes and Domestic Violence Bill (1995)
1995	Draft Family Homes and Domestic Violence Bill	Codified civil protective orders (non-molestation, occupation) under judicial discretion	Incorporated nearly verbatim as Part IV of the Family Law Act 1996

Year	Law Commission Report / Document	Main Focus	Impact on Legislation / Practice
1996	Implementation Review and Statutory Guidance Notes	Focused on how courts should apply new powers and balance them with due process	Enabled mass training of judges, magistrates, and police in new interventionist frameworks

Summary:
The Law Commission's Pivotal Role

In the 1990s, the Law Commission played a central role in reshaping British family law. Its 1992 report on domestic violence directly led to Part IV of the Family Law Act 1996**,** introducing non-molestation and occupation orders—civil tools that allowed courts to impose serious restrictions on individuals without criminal charges or trial**.**

Until the mid-1990s, protective measures were typically attached to another process—divorce petitions, custody disputes, or pending criminal charges. With the Family Law Act 1996, however, injunctions such as non-molestation and occupation orders acquired an autonomous status. They could be granted as stand-alone remedies, without the need for an underlying matrimonial case or criminal trial. This shift created, in effect, a parallel jurisdiction: the family courts were now empowered to impose binding restrictions on individuals solely on the basis of risk or relationship context, rather than in connection with the adjudication of an offence or a divorce.

While officially aimed at protecting victims, these mechanisms opened the door to preventive justice**,** *ex parte* rulings**,** and state intrusion into private life**.** The Law Commission acted transparently and lawfully, but its reforms laid the foundation for a radical shift in legal logic: from prosecuting proven harm to preemptively regulating risk and behaviour. The Law Commission did not act in secrecy, nor was it an instrument of coercion in its official capacity. However, the legal instruments it created—

particularly the non-molestation and occupation orders—became tools for pre-emptive state intervention into the private sphere. Whether by oversight or systemic drift, the Commission's contributions enabled the transformation of family law into a mechanism of surveillance, restraint, and extrajudicial punishment.

Comparative Legal Reforms: The Law Commission and its Global Counterparts Before 2004

Throughout the late 20th century, numerous common law jurisdictions established independent or semi-independent commissions to modernize legislation, simplify legal procedures, and address emerging social issues. Examples include the Australian Law Reform Commission (ALRC), the Law Commission of Canada, the New Zealand Law Commission, and various state-level bodies in the United States. These commissions often focused on family law, civil justice reform, and the protection of vulnerable individuals.

However, no jurisdiction implemented reforms with the same scope, speed, and structural consequences as the United Kingdom. The Law Commission of England and Wales, particularly in the 1990s, emerged as the most influential of its kind. Its 1992 report, *Domestic Violence and Occupation of the Family Home*, which led to Part IV of the Family Law Act 1996, marked a decisive turning point. This legislation effectively created new civil mechanisms for preventive intervention, lowered procedural thresholds from proof of crime to risk of harm, and expanded state powers into private domestic life.

In contrast, commissions in Canada and Australia explored similar ideas—especially concerning victim protection and restraining orders—but their proposals remained largely advisory and additive, supplementing existing criminal law protections rather than transforming foundational legal processes with a preventive logic.

The UK's trajectory was exceptional. Its legal transformation culminated in the creation of a dual-track justice system, with traditional adjudication on one side and civil preventive justice on the other. This systematic, coordinated approach embedded in legislation constructed a parallel legal architecture capable of bypassing core elements of due process and adversarial procedure—something unmatched elsewhere.

This raises important questions about the UK's role: was it simply the most responsive jurisdiction to evolving global discourses on protection and risk management, or did it serve as a coordinating node for the wider preventive turn in law across the Anglosphere? Considering the policy influence of British institutions, London's centrality in global legal networks, and the early leadership of its Law Commission, it is plausible to suggest that any intellectual or policy coordination may have originated in the UK. Publicly framed as reformative, the British model in fact provided a blueprint for a deeper transformation of justice systems, which other countries only partially adopted.

Comparative Table: Law Reform Commissions and Their Role in Preventive Legal Reform (Pre-2004)

Country	Commiss. Name	Estab.	Focus Areas	Preventive Turn in Family Law	Structural Legal Impact
UK	Law Commission of England and Wales	1965	Family law, civil justice, criminal law, housing law	**Yes** – Led to FLA 1996 and preventive orders	**High** – Parallel legal track created
Australia	Australian Law Reform Commission (ALRC)	1975	Family law, Indigenous rights, discrimination	Partial – Recommended civil orders, not transformative	Moderate – Influenced but constrained by state law
Canada	Law Commission of Canada	1997 (revived)	Family violence, access to justice, equality law	Limited – Focused on research and principles	Low – Recommendations rarely enacted
New Zealand	New Zealand Law Commission	1986	Family law, evidence reform, victims' rights	Partial – Proposed protections but within criminal law	Low-Moderate – Criminal law framework preserved

Country	Commiss. Name	Estab.	Focus Areas	Preventive Turn in Family Law	Structural Legal Impact
United States	State-level Law Reform Commissions (e.g. California Law Revision Commission)	Various (1950s–70s)	Property law, civil procedure, family law (state-specific)	Fragmented – Some states introduced civil restraining orders	Varied – No national model, limited coherence
Ireland	Law Reform Commission of Ireland	1975	Family law, domestic violence, civil justice	Partial – Civil orders adopted, criminal remained central	Moderate – Integrated into existing structure

Key Observations

- The UK Law Commission not only proposed reforms but implemented far-reaching changes that created non-criminal legal tools with criminal consequences, such as breaches of non-molestation orders.
- In Australia, Canada, and New Zealand, law reform bodies remained largely advisory; governments adopted only selected elements, typically within existing legal frameworks.
- In the United States, state-level innovations occurred, but no federal coordination existed, and reforms were uneven and largely non-transformative.
- Ireland mirrored some British innovations but did not replicate the structural bifurcation of legal mechanisms.

Conclusion

The comparative evidence confirms that, while law reform commissions across the Anglosphere often addressed similar issues—protection, vulnerability, and domestic violence—only the UK institutionalized preventive logic as a structural pillar of law. This supports the hypothesis

that Britain was not merely an early adopter but also a potential coordinator and model exporter of preventive legal transformation.

Legal Engineering

The Law Commission and the Architecture of Legal Engineering

Speaking of the earlier period, before the 1990s, it is difficult to state with certainty that the actions taken within British law were deliberate steps to dismantle the foundations of Common Law, or that they reflected a hidden malicious plan disguised as cautionary rhetoric. We simply cannot prove this with facts. What we can show with much greater certainty, however, is that the events following the document issued in 1992 by the highest authority in family law point clearly to such a plan. They reveal manipulative actions directed at its implementation—what can rightly be called *legal engineering*: the deliberate design and manipulation of legal structures. In the author's view, it was precisely the Law Commission that constructed the very architecture of legal engineering.

At the very moment when the President of the Family Division issued a Practice Direction in 1992 explicitly warning against the dangers of widespread and uncontrolled use of *ex parte* orders—injunctions imposed in the absence of the affected party—new institutional legal documents were under discussion by the Law Commition. These warnings, coming from the the person, who was better informed than anyone else about the realities in this field, highlighted the systemic risks. In other words, they made clear that if the practice did not change, family law risked drifting into the domain of extrajudicial punishment.

Such guidance should have been taken into account in preparing subsequent legislation. If the preceding fifteen years can be seen as an experimental phase for testing new legal instruments—such as restraining orders, civil measures with criminal consequences introduced under the pretext of prevention—the 1992 document should have been treated as a

corrective. It pointed to the need for adjustment and showed how the damage to the legal system, if not eliminated altogether, could at least be minimised.

Despite these safeguards, cautions, and procedural requirements issued by the highest judicial authority in family law, lawmakers—who were preparing new documents that systematised and institutionalised the dangerous practice—chose to disregard this judicial standard. This was not mere oversight but a deliberate step, marking the next stage in implementing a plan directed against the foundations of Common Law.

Moreover, the Practice Direction later vanished from ordinary circulation, or at least became increasingly difficult to access. Its unavailability—making it hard for practitioners to cite as precedent when challenging the legality of issuing orders against absent parties—strongly suggests intentional manipulation of the legal framework. This represents a clear instance of *legal engineering*. It was a manipulation deliberately designed to embed into statute a system of extrajudicial exclusion, allowing individuals to be subjected to severe restrictions without trial, without evidence, and effectively outside the protection of the legal system.

Moreover, the impossibility of citing this crucial document became one of the building blocks for another phenomenon within English law—an area within Common Law that operates according to its own principles and rules. For example, in all other areas of law, a violation of due process constitutes a *miscarriage of justice* and renders the proceeding void *ab initio* (and such annulment poses no difficulty for the affected party). Nothing comparable occurs, however, with the issuance of non-molestation orders. Proceedings enforcing these unlawful restrictions cannot be annulled, despite their illegality, the absurdity of their prohibitions, and their deliberate misuse. In theory, it might seem that nothing prevents such annulment. In practice, however, it is impossible to achieve. It is worth emphasizing: what can be done easily in other cases is simply unworkable in this area without a formal explanation.

The author's long-standing practical experience shows that, in the case of temporary *ex parte* orders, despite their long history of being misapplied for the most unlawful purposes, annulment of proceedings and restoration of the original hearing is practically impossible. Judges themselves cannot provide an explanation for their conduct. They evade under various

pretexts, tacitly acknowledging the correctness of the reasoning. Yet, in the absence of a precedent for such annulment, each fears being the first to act.

As the author has already noted, a special atmosphere of intolerance has developed in this area toward judges who attempt to apply the principles of Common Law while dealing with issuing restraining orders. They are effectively intimidated and fearful of enforcing the fundamental, universal principles of justice. They are reluctant to uphold these principles, fearing backlash, exposure to appeals, or damage to their careers by challenging the prevailing misuse of the law. This dependence of judges on the prevailing rhetoric in the area of restraining orders—while in other areas of law they still feel relatively constitutionally independent—is itself a product of *legal engineering*.

What Is Legal Engineering?

"Legal engineering" is not a standard term in legal scholarship, but it is increasingly used—especially in critical or interdisciplinary contexts—to describe the deliberate design or manipulation of legal structures, language, or processes to achieve specific goals, often political, social, or economic.

At its core, legal engineering refers to the intentional construction, reconfiguration, or repurposing of legal mechanisms—such as laws, procedures, definitions, or institutions—not necessarily to serve justice in the traditional sense, but to:

- Restructure social behavior
- Achieve ideological transformation
- Expand or restrict state power
- Create new classes of legal subjects (e.g., "victims" or "dangerous persons")
- Preemptively control or punish individuals without criminal conviction

Examples

1. *Preventive Orders Without Trial*
    - Creating legal tools (e.g., restraining orders) that impose sanctions without a criminal conviction.

    - These measures are often designed not to resolve disputes but to engineer behavior or preempt perceived risks.
2. *Redefining Concepts*
    - Expanding the legal definitions of "abuse" or "coercion" to include vague or subjective experiences, allowing broad interpretation and discretionary control.
3. *Creating New Procedures*
    - Establishing "special courts" or "fast-track" processes for cases where normal legal safeguards are suspended. This constitutes engineering procedure to bypass traditional justice norms.
4. *Digital Surveillance Integration*
    - Embedding surveillance or risk-prediction tools into legal policy, for example using data analytics to determine potential threats before a crime is committed.

Positive vs. Critical Uses

- Positive view: Legal engineering may be seen as innovative legal design, for instance creating fairer tax systems or digital legal services.
- Critical view: It can also be used to expose how laws are manipulated to enforce ideology, suppress rights, or simulate justice under a protective or humanitarian façade.

Related Concepts

- Social engineering: Shaping social behavior through law or policy.
- Legal simulation: Creating a system that mimics justice but lacks its substance.
- Instrumentalism in law: Using law purely as a tool to achieve ends, regardless of legal principles.

Summary

Legal engineering is the strategic construction or modification of law to reshape reality—often under the guise of protection or progress—while potentially eroding fundamental legal principles such as fairness, presumption of innocence, or individual liberty.

This is particularly evident in family law, where legal instruments have

been used to penetrate the private sphere, reshape family relationships, and, in doing so, transform the broader social fabric.

Chapter 8

ORDERS UNDER THE FAMILY LAW ACT 1996:

Initiating Preventive Justice

The Family Law Act 1996:
Triggering a Snowball of Erosion in English Common Law — The Author's Perspective

From the author's perspective, and notably, no prior legal scholarship has addressed this point so explicitly: any experiment that departs from the strict application of norms, due process, the clear separation of legal domains, and other foundational elements traditionally encompassed by the Rule of Law must be approached with the utmost caution¹⁰=—or perhaps should have been prohibited from the outset. Critics of such reforms ought to have framed their reasoning in this light from the very beginning.

English law is distinguished by its flexibility. While this flexibility can be an asset under ordinary circumstances, in the hands of ill-intentioned actors

it can be manipulated like malleable clay. Even minor departures, justified by rhetoric of "prevention," "emergency," or temporary measures, may set in motion a self-reinforcing process, gradually eroding established safeguards.

Temporary departures might be defensible in war or genuine crises, and can be explained—but in the context of family law, they are inappropriate and dangerous. A

> *And yet, as history shows, subsequent legal reforms were dressed up in language that could have come straight from a battlefield briefing: the home portrayed as a frontline, social workers deputised as intelligence officers, routine behaviour treated as enemy manoeuvres, and every household a zone of active combat.*
>
> *Orders cascaded from above, and entirely lawful conduct could be punished under the banner of "protection." This evoked the logic of defending a nation: just as destructive and forceful measures are justified in wartime to repel an enemy, so too were preventive measures inherently coercive and punishing. The rhetoric of protection gave these interventions a veneer of legitimacy while concealing their disruptive impact on ordinary life. The Abuse Commissioner—a title that deliberately conjures the commissars of revolutionary France and Russia—commands this domestic "front line," marshaling ministries and agencies to surveil people's lives…*
>
> *These grotesque, Kafkaesque measures, which pass as normal in Britain yet appear absurd and nightmarish from an outside perspective, were a form of bureaucratic militarisation of everyday life—and they should have been outlawed from the outset.*

Unlike systems with constitutionally entrenched fundamental human rights—such as Russia or France, where protections were hard-won through revolutionary struggle and enshrined as strong cultural and legal bulwarks—or Italy, with its deeply rooted legal traditions and historical foundations of modern law, England relies predominantly on flexible agreements and conventions. In this system, there is no equivalent of an inviolable bulwark in the form of fundamental rights that stands above all else, to which one could later appeal in order to restore traditional legal principles.

In practice, this means that the English legal system depends on several elements that are less rigidly codified than constitutional protections:

- Precedent: Legal decisions can be generated and directed almost

endlessly, allowing the law to evolve—or be guided—according to prevailing agendas.

- The figure of a fair-minded judge: Judges are expected to ensure justice, but they can be influenced through public criticism, social pressure, or political discourse.
- Common sense and customary norms: These can be reshaped over time, reflecting shifts in social expectations or ideological pressures rather than fixed legal rules.

This flexibility, while a strength in ordinary circumstances, also creates a vulnerability. In the hands of ill-intentioned actors, the system can be manipulated to undermine procedural fairness and individual rights.

Apart from procedural norms such as the Family Proceedings Rules, there is little to *anchor the English legal system* against actors seeking to exploit this flexibility for malicious ends. Once deviations from norms begin, they can produce a snowball effect, growing larger as they progress. The Family Law Act 1996 set a snowball rolling, growing in size and momentum as it triggered a cascade of preventive and extrajudicial legal measures.

In 1996, the Family Law Act formally established a new, autonomous legal category of "domestic violence" to address family conflicts. This made it possible to initiate protective measures in the form of restraining orders as a separate legal process.

Before the 1990s, domestic disputes were handled under general criminal or civil law, each operating separately without overlap. Restraining orders could still be requested, but only within the framework of another proceeding—criminal or civil—such as divorce proceedings based on cruelty. In this respect, Britain was not unlike other countries.

The creation of this new category effectively blurred the boundary between civil and criminal justice. The dangers of such a shift were foreseeable to the reformers of the time, who generally had strong foundational legal education, suggesting a particular *mens rea* in their legislative intent.

Supporters of the reform pointed to the experience of several U.S. states, where the concept of domestic violence was already in use. Yet this was largely a legal sleight of hand. In the United States, the term functioned

mainly as a descriptive label: prosecutions relied on existing offences such as assault, battery, harassment, false imprisonment, or grievous bodily harm. The same had previously been true in Britain.

The FLA 1996, however, introduced not merely recognition of harm, but a new legal process with its own instruments of punishment, detached from existing offences. This allowed courts to:

- Issue orders without evidence of a criminal offence.
- Sanction lawful actions if interpreted as part of a "course of conduct."
- Build a separate system of preventive justice, distinct from ordinary law.

Under this framework, individuals could no longer know in advance which behaviours might trigger restrictive orders. This uncertainty enabled extrajudicial intervention. The Act authorised courts to designate individuals as "victims" or "perpetrators" based on vague, non-criminal criteria such as behaviour, atmosphere, or perceived "control."

The FLA 1996 thus marked the beginning of codifying blurred legal categories: first through civil remedies under the Family Law Act, followed by the Protection from Harassment Act 1997, which generalised restraining orders; then the Domestic Violence, Crime and Victims Act 2004; and finally, the Domestic Abuse Act 2021.

This new legal category did more than acknowledge harm in the home—it created a powerful instrument capable of undermining Common Law protections. Mechanisms such as non-molestation and occupation orders enabled preemptive interventions and extrajudicial restrictions, often bypassing notice, hearings, and evidentiary safeguards. Before 1996, such orders were available only within the context of family proceedings—for example, when cruelty was cited as a ground for divorce. From 1996 onward, a separate process was created specifically for issuing them.

This marked the beginning of a distinct preventive form of justice, in which traditional safeguards and protections were systematically weakened.

This Chapter Covers:

- Legal Innovations Introduced by the FLA 1996

- Extension Beyond the Family to Cover a Wider Range of Citizens
- Parallel Legal Cultures and the Rise of the Family Courts
- Creation of a Separate Procedure from Family Proceedings
- The Use of "Balance of Probabilities" to Restrict Fundamental Freedoms
- How Civil Courts Became Tools of Pre-Emptive Intervention
- Structural Risks and Judicial Transformation
- Reform Outcomes and Global Alignment

Introduction

The introduction of the Family Law Act 1996 was, in many respects, a logical and almost inevitable milestone in the ongoing expansion of state control. To grasp its essence, one need only examine its standard template.

At the top of such a document appears the reference "FLA 1996," while at the bottom is the note "Notice for Arresting Officer." When Section 45 FLA 1996 is additionally cited, it signals that the intimidating document was issued in secrecy from the person affected.

Between these two statements lies the name of the target and a list of restrictions imposed on them, with potential penalties of up to five years' imprisonment for their "breach," even if unintentional. These prohibitions may be clear, simple, and even reasonable, but they can also be deliberately ambiguous, leaving room for interpretation by interested parties—depending on the applicant's intentions and the use they intend to make of the police as an intimidatory and punitive force.

This is the essence of the reform. It does not matter that it was presented as a public good: the real purpose was to make widely accessible a tool of coercion. This brand-new legal instrument had already been tested over the preceding two decades in a scattered manner—through magistrates' courts, county courts, and the Family Division—acclimating judges to the ambiguity of sanctions and spreading its appeal to potential users. The 1996 Act merely codified and standardized it for judicial use, making it formalized, straightforward, and readily usable by judges, while

simultaneously creating new opportunities for potential users and lawyers to build a service industry around it. Unlike previous laws, it opened truly limitless avenues for manipulation and new "services."

A key conceptual manipulation underpinned the Act: the definition of "family law" was covertly expanded beyond traditional family relationships. This enabled restrictive orders to apply to a much broader category of people. In practice, it became sufficient to claim that the applicant had once been in an "intimate" relationship with the target—an unprovable fact—allowing almost anyone to be subjected to this preventive legal tool.

Overview

The Family Law Act 1996 (FLA 1996) was introduced as part of Tony Blair's broader liberal reform agenda. Presented as a progressive step toward strengthening protections for victims of domestic violence, modernising divorce, and enhancing gender equality, the Act profoundly reshaped British family law and judicial culture.

However, beneath the rhetoric of empowerment and protection lay deeper implications—particularly a radical expansion of state control, the erosion of due process, and the rise of preventive justice.

The Act effectively substituted original family law concepts: tools initially designed to manage intra-family disputes and provide reactive protection—such as non-molestation and occupation orders—were repurposed into preventive instruments, applicable far beyond the traditional boundaries of the family. This shift extended state control into private relationships, institutionalised preventive justice and blurred the distinction between reactive protection and pre-emptive regulation. In practice, the Family Law Act 1996 redefined family law protections. Non-molestation and occupation orders, historically reactive measures for intra-family conflict, became preventive instruments applicable to a broad range of 'associated persons.' Family law was transformed into a mechanism for general social control, extending the reach of domestic legal concepts far beyond the traditional family.

Historical Context:
Before FLA 1996

By the early 1990s, civil orders such as non-molestation and occupation orders had existed for 2 decades, but their use was limited:

1. Breaches carried no criminal consequences; aggressive acts were prosecuted separately in criminal courts.
2. Orders were reactive, responding to proven acts or threats.
3. Their scope was narrow, applying to clearly defined family relationships.
4. They were issued as part of family proceedings, not as standalone tools.
5. Ex parte orders were rare; most required participation of both parties.
6. Misuse was limited, thanks to procedural safeguards.

In short: before 1996, civil injunctions were protective, reactive remedies. The FLA 1996 transformed them into preventive, criminally enforceable tools, widening their reach and changing the very logic of family law.

Legal Innovations Introduced by the FLA 1996

Key provisions included:

- Institutionalisation of coercive instruments: Non-Molestation and Occupation Orders became standardized tools.
- Substitution of family law concepts: Orders could apply to anyone loosely connected to the applicant, under the vague banner of "associated persons."
- Ex parte formalisation: Respondents could be restrained without notice, effectively turning the process into a secretive, preventive instrument.
- Criminalisation of breaches: Contempt penalties of up to five years imprisonment.
- Standalone process: Orders could be issued independently, not tied

to ongoing family cases—an "inviting" opportunity for both opportunistic litigants and enterprising lawyers.

- Removal of traditional evidentiary standards: Decisions could be made on the balance of probabilities, not proof beyond doubt.

The result: a hybrid legal instrument—civil on paper, criminal in effect, preventive in function, and open to manipulation by anyone with sufficient motivation.

Structural Risks and Judicial Transformation

The FLA 1996 didn't just tweak family law—it rewired it. The legal and procedural shifts introduced by the Act had profound consequences for courts and individual rights, creating a system where preventive control was codified and manipulation became easy:

Issue	Implication
Ex Parte Orders (§ 45 FLA)	Courts could impose life-altering restrictions in secret, without giving the respondent any chance to defend themselves—essentially turning civil law into quasi-executive action.
Vague Drafting	Broad, ambiguous terms invited overreach, inconsistent enforcement, and gave judges, police, and applicants wide interpretive leeway.
Erosion of Judicial Independence	Judges, under institutional and social pressure, increasingly deferred to activist narratives, NGOs, and "victim-centered" rhetoric.
Procedural Breakdown	Interim orders were rarely reviewed; even improperly issued ones remained enforceable, with no automatic redress, normalising legal uncertainty as standard practice.
Criminalisation by Proxy	Police enforced civil orders as if they were criminal sanctions, even without proof of actual harm, turning administrative instruments into punitive tools.

Issue	Implication
Manipulation and Abuse	Litigants, lawyers, and NGOs quickly learned to exploit the orders strategically—for custody battles, property disputes, or even personal vendettas—welcome new users in a system designed for control.

Broader Societal and Ideological Impact

The consequences went far beyond the courtroom:

1. **Erosion of the Private Sphere**
   The family unit lost legal autonomy. The state could intervene based on anticipated harm, even absent criminal charges or findings, effectively turning private relationships into monitored, managed spaces.
2. **Transformation of Legal Language**
   Civil courts began adopting criminal terminology—victim, perpetrator, offender—blurring suspicion and guilt. Words once reserved for criminal law now served as instruments of administrative coercion.
3. **Expansion of Preventive Justice**
   "Protection" became pre-emptive restriction: individuals could be punished not for what they had done, but for what they might do. Risk, not proof, became the operative principle.
4. **Cultural and Ideological Conditioning**
   Society was gradually trained to accept these changes as normal, desirable, or progressive. This conditioning came through media, education, and NGO campaigns, often funded by:

- UN bodies (e.g., UNIFEM, CEDAW)
- European Union domestic violence programs
- NGOs like Refuge, Women's Aid
- UK government departments and quangos
- Philanthropic foundations promoting gender-based reforms

All of these campaigns framed the reforms as compassionate and protective, while masking their coercive core. In practice, the system became standardized, accessible, and welcoming—not just to those genuinely seeking protection, but also to those eager to exploit the law's

new preventive powers.

Reform Outcomes and Global Alignment

Outcome	Observation
State Expansion	Family law became a gateway for expanded executive powers and preventive policing.
Procedural Degradation	Courts operated outside traditional due process norms—no hearings, no appeals, no oversight.
Loss of Judicial Neutrality	Judges were steered—sometimes explicitly—toward protective presumptions.
Global-Policy Convergence	These reforms mirrored **liberal-globalist agendas** promoting surveillance, identity politics, and administrative justice.

Parallel Legal Cultures and the Rise of the Family Courts

By the late 1990s, family cases were increasingly managed under distinct procedural rules, separate from general civil courts. Institutions such as the Principal Registry of the Family Division (later the Central Family Court from 2014) operated almost autonomously, becoming the prototypes of modern Family Courts. They functioned under:

- Custom procedures, often shielded from public scrutiny;
- Highly discretionary judicial culture, giving judges wide interpretive leeway;
- Close ties to an expanding ecosystem of family law specialists—barristers, psychologists, and NGOs—who could exploit or facilitate the new preventive instruments.

As these courts evolved, they fostered a self-reinforcing legal culture:

protective in appearance, yet structurally conducive to administrative control, manipulation, and the normalization of preventive coercion—all largely insulated from conventional accountability mechanisms.

Final Assessment

The Family Law Act 1996 marked a decisive turning point in British law. Framed as a liberal reform to protect victims and modernize family law, it in fact:

- Redefined justice through a preventive, risk-based lens;
- Expanded executive-style powers within the judiciary;
- Weakened procedural safeguards and rights of respondents;
- Transformed family law into a site for ideological and administrative enforcement.

Though publicly justified as protective, the Act laid the groundwork for a highly coercive legal apparatus. Due process was normalized as suspendable, and the family became a managed legal space rather than a private social institution. The conceptual substitution was masked under the rhetoric of victim protection: what had once been family law—concerned with relationships, privacy, and domestic safety—was reconfigured into a broadly applicable instrument of administrative coercion.

Crucially, the FLA 1996 made this tool standardized, simple, and accessible, creating a "welcoming" environment for those who would exploit the law. Protective orders, once reactive and narrowly targeted, became preventive, enforceable, and broadly applicable, enabling almost anyone to wield them for strategic advantage—legally, socially, and administratively.

Protection became the pretext. Coercion, the consequence. The 1996 Act was not merely reform; it was a structural leap in state capacity to monitor, restrict, and control private behavior, institutionalizing preventive justice while normalizing its misuse. Under the guise of empowerment, the Act created a legal instrument that was simultaneously protective, punitive, and manipulable—a tool that would shape judicial practice, societal norms, and personal freedoms for decades to come.

Comparative Table: Evolution of Non-Molestation and Occupation Orders

Aspect	DP&MCA 1978	FLA 1996
Type of Order	Non-molestation orders and exclusion orders	Non-molestation orders and occupation orders
Legal Status	Civil remedies within magistrates' courts (quasi-criminal tone)	Fully civil, but with contempt of court and, after 2007, arrest powers and criminal enforcement
Court Jurisdiction	Magistrates' courts	County courts and Family Proceedings Courts (some overlap with magistrates)
Eligibility	Narrow "associated persons" (family members)	Expanded "associated persons," including cohabitants, ex-cohabitants, partners, ex-partners
Grounds for Order	Physical violence or threat of violence	Broadened to include emotional or psychological harm
Evidence Requirements	Typically required police involvement or visible violence	Lower threshold: no physical harm needed; fear or distress sufficient
Exclusion from Home	Exclusion orders possible, limited in scope and duration	Full occupation orders with broader tests and longer durations
State Enforcement	Breach treated as civil contempt; rarely enforced strictly	Breach is arrestable, a criminal offence (post-2007), effectively criminalising civil orders
Police	Indirect, relied on private	Direct: police can arrest without warrant if power of arrest is

Aspect	DP&MCA 1978	FLA 1996
Involvement	action	attached
Duration of Orders	Short-term, renewable	Can be long-term; flexible depending on test applied
Underlying Philosophy	Protective in emergencies, reactive	Preventive and proactive, extended control over domestic space and behavior
Consequences for Respondent	Civil constraints, no criminal record	Criminalisation of breach, possible loss of housing rights or access

Key Observations:

- The 1978 Act offered limited civil protection, primarily reactive, temporary, and targeted, relying on magistrates' discretion. Its main focus was immediate safety for married women experiencing physical violence.
- The 1996 Act marked a paradigm shift: it codified preventive justice mechanisms, embedded national police-enforced powers, and drastically lowered evidentiary thresholds for imposing serious restrictions on liberty.
- Under the FLA 1996, non-molestation orders became punishable by imprisonment upon breach, effectively criminalising civil orders without criminal procedure safeguards—particularly after the 2007 implementation of the Domestic Violence, Crime and Victims Act.

Analytical Overview:

Transition from the 1978 Act to the 1996 Act

The transition from the 1978 Act to the 1996 Act represents a fundamental redefinition of civil protective orders in England and Wales. Orders that were once situational and reactive, grounded in proven physical threats, gradually became permanent, state-enforced instruments based on psychological and emotional allegations.

The 1996 Act did not simply reform existing tools—it transformed the logic of intervention. By expanding eligibility, lowering evidentiary thresholds, and introducing national enforcement with criminal consequences, the Act blurred the line between civil precaution and criminal punishment. Arrest powers and the potential for imprisonment attached to breaches made these orders a form of preventive justice: legal instruments could now restrict liberty without proof of crime, enforcing control based on perceived risk rather than actual harm.

This marked a decisive moment in the state's intrusion into the private domain of relationships. The judiciary shifted from neutral arbiters of family harm to active managers of domestic conduct, while civil law instruments gained unprecedented coercive power. The Family Law Act 1996 thus institutionalised a mechanism that was simultaneously protective, punitive, and manipulable—a standardized, accessible tool for controlling private behavior under the pretext of prevention.

Chapter 9

PROTECTION FROM HARASSMENT ACT 1997

Punishing Lawful Actions: A British Legal First

For reasons unclear to the author, it seems no one noted that by introducing the Protection from Harassment Act 1997, Britain embarked on an unprecedented legal experiment, imposing criminal penalties for lawful conduct. For the first time in legal history, individuals could face punishment not for a clearly defined offence, but for behaviours interpreted as persistent or intrusive.

To make this radical expansion of state power more acceptable, lawmakers introduced the transitional concept of a "pattern of behaviour," shifting legal focus from specific acts to repetition.

This partially echoed American anti-stalking legislation, but primarily served as a legal trick: persistence and intrusiveness, rather than objective harm, became grounds for punishment. Unlike American anti-stalking laws, which target clearly defined actions, the British law rendered any lawful behaviour, if repeated on two occasions, potentially criminal, transforming a specific offence into a broad instrument of control.

Unlike domestic violence cases under the Family Law Act 1996, where judges could refuse sanctions if no actual harm occurred, prohibitions under the PHA 1997 carried automatic criminal consequences, making them highly intimidating.

Harassment thus became a parallel legal simulacrum to domestic violence: one regulating family life, the other regulating broader social relations. Both replaced the classical criminal model—where clearly forbidden acts were punishable—with a system that penalises perceived fear, distress, or intrusive behaviour, eroding core Common Law protections such as due process, the presumption of innocence, and safeguards against arbitrary restrictions.

It is important to be clear: claims that this law protects the public or combats crime are misleading. From the earliest legal codes, law maintained order by clearly communicating what was forbidden. By obscuring what counts as punishable behaviour, lawmakers pursued hidden objectives, unknown to the citizens whom these laws targeted.

This Chapter Covers:

- Further erosion of Common Law principles through the blurring of legal terminology
- Introduction of criminal penalties for acts or omissions without clear specification
- Expansion of these measures beyond their original scope, encompassing broader categories of individuals
- The introduction of the "course of conduct" concept—a mechanism to punish behaviors that are lawful.
- Further expansion of legal tools of intimidation, including the creation of Anti-Stalking Orders and Protection from Harassment Orders
- Reinforcement of the category and cult of the "victim," now encompassing "victims" of harassment and stalking
- The criminalisation of vaguely defined emotional harm

The Protection from Harassment Act 1997 enabled the imposition of restraining orders under the pretext of protection against virtually any individual—whether an acquaintance or a complete stranger—while equipping these orders with the highest possible degree of coercive and intimidating force. It is important to recall the genealogy of this tool. The coercive model—civil orders issued on a low evidentiary threshold but carrying criminal consequences—was first piloted in the narrow sphere of family law. This was politically convenient: an unprecedented instrument could be justified under the pretext of emergency and the protection of vulnerable women and children—after all, who else would protect them, and who could openly object? Gradually, the same logic was extended to more loosely defined "associated persons" by the Family Law Act 1996. The absence of resistance to these early experiments prepared the ground for a comprehensive rollout across the entire population, now with a heightened deterrent effect.

That universal mechanism became the Protection from Harassment Act

1997 (PHA 1997).

Two Design Features Behind Its Success

1. **Attractiveness for potential users.** Вводя Protection from Harassment Orders the Act offered a ready-made coercive tool for private individuals, lawyers, and institutions alike. The vagueness of the concept made it flexible, accessible, and easy to invoke.
2. **Elimination of judicial discretion.** Because neither "harassment" nor "stalking" was clearly defined, judges had almost no grounds to refuse an application. If an applicant claimed "distress," how could a judge prove that repeated acts—such as walking past someone's house, sending letters, or even giving flowers—did not cause such distress? The statute explicitly stated that even "watching" someone might constitute a criminal act.

To make this workable in practice, lawmakers introduced the notion of a "course of conduct"—defined as at least two incidents of behaviour. This rhetorical move gave the appearance of reasonableness ("persistence"), while in reality it allowed almost any repeated action to fall within the scope of harassment. Later reforms would remove even this minimal requirement, further widening the scope.

The Dual Structure of the Act

The Act combined:

- Civil measures — protective injunctions which, through the device of contempt of court and later statutory reform, acquired criminal consequences;
- Criminal measures — the creation of new offences of stalking and harassment (including "putting a person in fear of violence"), punishable by up to five years' imprisonment.

Crucially, none of these offences were defined in detail, leaving both civil and criminal provisions deliberately vague and open to expansive interpretation.

The Real Purpose

It is difficult to avoid the conclusion that the primary aim of the Act was not so much the punishment of harassment, but rather:

- the creation of a **powerful atmosphere of intimidation** through the deployment of an undefined but criminally punishable legal term, and
- the **erosion of common-law safeguards** by diluting traditional legal definitions and judicial discretion.

The invention of "harassment" as a criminally punishable act belongs to the same category as the earlier invention of "domestic violence," but carries an even greater intimidating force. In the past, a judge could still refuse an order on the grounds of insufficient evidence of violence. After 1997, refusal on the basis of "harassment" became virtually impossible.

The Novel Legal Trick of "Course of Conduct"

The "course of conduct" provision represented a striking innovation in English law—a novel legal device that, on the surface, appeared modeled on the U.S. concept of stalking, already criminalised there. Yet its operation was fundamentally different. Whereas U.S. law prohibited specific, identifiable acts, the English version allowed courts to characterise almost any repeated (in two occasions) behaviour as unlawful.

This novelty was, in effect, a sleight of hand. Lawful actions could be reinterpreted as "harassment" merely because they were "persistent", shifting focus away from the objective legality of the acts themselves and onto their supposed repetitiveness. It was this very repetition that was claimed to be the source of emotional harm.

Ordinary behaviour—routine social interactions, communications, or lawful protests—could now be subjected to coercive interventions, framed as protective measures.

By presenting this as a mechanism to prevent harm, the law masked its true effect: expanding judicial control into everyday life, creating uncertainty, and normalising extrajudicial punishment. The "course of conduct" thus embodied a new form of preventive justice, one that was unprecedented in English legal history, and dangerously flexible in the hands of those inclined to misuse it.

A Law Framed as Safeguard, Operating as Punitive Power

The Protection from Harassment Act 1997 (PHA 1997) was introduced as a pioneering piece of legislation aimed at tackling stalking and persistent

harassment.

Publicly, it was framed as a compassionate response to genuine concerns about victims of intimidation and psychological harm. Hailed as a progressive legal advance, it sought to fill an apparent gap in the law.

Yet behind this noble rhetoric lay a far more complex and troubling reality.

The Act laid the groundwork for legal mechanisms that eroded due process, blurred the distinction between civil and criminal law, and enabled far-reaching, often unchallengeable restrictions on individual liberty. From the outset, the Act set a dangerous precedent: administrative protective measures, issued without full evidentiary procedures, could carry criminal consequences.

Over the following years, this principle was expanded, normalized, and replicated across other areas of law, culminating in a justice system where control was justified by prevention, and freedom could be restricted not by guilt, but by suspicion.

1. Hybrid Civil–Criminal Orders

PHA 1997 created a legal hybrid: civil injunctions enforceable with criminal penalties (Section 5(5)). Breach could result in imprisonment, even though the original order was issued civilly and often on a lower standard of proof. This effectively permitted punishment without criminal conviction.

2. "Course of Conduct"

PHA 1997 introduced the ambiguous concept of a "course of conduct"—any repeated behavior alleged to cause alarm or distress. This was a calculated manoeuvre: rather than focusing on specific acts and whether they were lawful, the law shifted attention to persistence and insistence. In doing so, it laid the groundwork for a new, expansive, and ill-defined offence of "harassment," effectively paving the way for criminalising behaviour that was not previously prohibited by law.

- No intent to harm was required.
- Even lawful acts (e.g., walking, speaking) could trigger liability if perceived as distressing.
- Emotional reaction replaced objective evidence as the basis for sanction.

3. Orders Without Oversight

Restraining orders could be issued ex parte, in civil or criminal proceedings, and were often difficult to challenge:

- Limited or no right of appeal; individuals were sometimes unaware of proceedings.
- Courts and police treated orders as "not punishment," yet breach carried custodial risk.
- Any deprivation of rights is inherently punitive and must follow lawful procedure.

4. Expansion Beyond Original Scope

Initially aimed at stalking, PHA 1997 quickly extended to:

- Neighbourhood and workplace disputes.
- Family law, custody, and property battles. Harassment was effectively redefined to include any behaviour the complainant found objectionable.

5. Subjective Emotion Over Evidence

Legal enforcement relied on perception rather than proof or intent:

- Alarm, distress, or annoyance sufficed for action.
- The civil–criminal distinction became blurred, undermining centuries of common law principles.

6. Vagueness and Arbitrary Enforcement

- "Harassment" remained ill-defined, enabling inconsistent and discretionary enforcement.
- Any persistent, unwanted conduct could be criminalised.
- This ambiguity encouraged strategic misuse and litigation as a tool of control.

7. Harassment as a Strategic Weapon

Accusations became instruments of punishment:

- Silencing parents, neighbours, or colleagues.
- Malicious claims could impose isolation or legal disadvantage without conviction.

8. Blueprint of Pre-Criminal Control

PHA 1997 introduced a new logic:

- Civil orders functioned as de facto criminal sanctions.
- Perception and emotion could override evidence.
- Protective rhetoric justified expansive control. This framework laid the foundation for later instruments, such as

Domestic Abuse Protection Orders (DAPO), creating a regime in which protection justified pre-emptive punishment.

9. Erosion of Due Process (1990–2004)

- Civil and criminal distinctions became blurred.
- Risk, rather than proven guilt, justified intervention.
- Civil measures were used pre-emptively, weakening the presumption of innocence and full defence rights.
- These reforms established a legal culture in which control without conviction became routine.

Conclusion:
A Further Step in the Breakdown of Common Law Protections

The Protection from Harassment Act 1997 blurred legal boundaries and eroded common law principles. By combining civil orders with criminal sanctions, it created a system in which individuals could be punished for actions they could not foresee, bypassing standard procedural safeguards. Its effect was primarily intimidatory: individuals were left in a state of persistent fear, uncertain which behaviours might trigger enforcement. This unpredictability fostered suspicion, enabled abuse, and normalized pre-emptive coercion.

Far from protecting rights, the Act transformed law into a tool of anxiety and control, laying the groundwork for systemic misuse and arbitrary restriction.

Parallel Criminalisation: Domestic Violence and Harassment

Year / Law	Sphere	Legal Innovation	Effect / Parallel with the Other
1976 – Domestic Violence and Matrimonial Proceedings Act	Family / Domestic	First *civil* remedies (ex parte injunctions, ouster orders) without proving crime	Beginning of state entry into private sphere
1996 – Family Law Act, Part IV	Family / Domestic	Non-molestation & occupation orders: broad restrictions, prison threat for	Behavioural restrictions in family

Year / Law	Sphere	Legal Innovation	Effect / Parallel with the Other
		breach	relations
1997 – Protection from Harassment Act	Public / Universal	Harassment criminalised as *course of conduct*; restraining orders introduced	Extended same *preventive logic* to all persons, not just within family
2004 – Domestic Violence, Crime and Victims Act	Family / Domestic	Breach of non-molestation order criminalised	Direct parallel: violation itself = crime, like harassment
2007 – PHA Amendments	Public / Universal	Harassment expanded to include "violence" and "fear of violence"; restraining orders could be imposed after acquittal	Mirrored coercive reach of domestic violence law
2015 – Serious Crime Act (Coercive Control)	Family / Domestic	Criminal offence of "controlling or coercive behaviour"	Behavioural criminalisation deepened inside family, just as harassment did outside

Глава 10

THE ROLE OF CHARITIES AND STATE PROPAGANDA

In Constructing the Legal Infrastructure of Control (1990–2004)

- NSPCC, Women's Aid, Refuge: constructing the narrative and shaping public perception
- Government funding influencing legal definitions and enforcement priorities
- Public campaigns through education, the NHS, and media channels
- Charities operating as "independent" actors while functioning as state contractors and ideological instruments
- Legal discourse rewritten via training programmes, judicial guidance, and political messaging
- Emotional and behavioural engineering of public opinion to normalise rights restrictions
- Active cooperation between courts, NGOs, and other non-legal actors in redefining justice

Introduction:

Civil Society as the Engine of Ideological Recalibration

Between 1990 and 2004, the United Kingdom witnessed a profound

transformation in the relationship between state institutions and civil society, especially in the fields of family life, domestic conflict, and behavioural regulation. While Parliament and the courts laid the *formal* legal groundwork for the rise of protective orders and non-criminal sanctions, it was the network of state-sponsored charities and public messaging campaigns that *legitimised* and *normalised* this transformation in public consciousness.

The strategic use of civil society organisations—especially Women's Aid, NSPCC, and Refuge—formed a crucial component of a broader liberal project: the institutionalisation of "protection" as a central organising concept of governance. Under the banner of safeguarding, these actors were empowered not merely to deliver services, but to reshape legal categories, public policy, and social expectations—all with the overt financial and institutional support of the state.

Charities as Quasi-Governmental Legal Architects

Women's Aid (est. 1974)

Originally a grassroots organisation providing refuge for women fleeing violent households, by the 1990s Women's Aid had become one of the principal policy influencers in the field of family law reform. During the debates surrounding the Family Law Act 1996, the organisation submitted detailed proposals to the Law Commission and later became an official consultation partner for the Home Office.

- Women's Aid promoted the broadening of the term "domestic violence" to include emotional and psychological harm—terms that were later embedded in statutory guidance and court practice, despite their vagueness and subjectivity.
- The group's influence extended to judicial training and police guidance: for example, the Crown Prosecution Service incorporated definitions developed by Women's Aid into its domestic abuse frameworks from the early 2000s onward.
- Crucially, Women's Aid positioned protection orders not as exceptional remedies, but as proactive state tools, to be used based on risk rather than proof.

Refuge (est. 1971)

Refuge evolved from shelter provision into a major lobbyist for coercive legal powers, often promoting legislative changes under the rhetoric of "safety before rights." The organisation received large-scale public funding through the Supporting People programme launched in 2003 and various Home Office initiatives prior to that.

- Refuge was instrumental in promoting the acceptability of ex parte court orders (orders made without notifying the respondent), arguing that giving notice "increases risk"—an idea later embedded into Part IV of the Family Law Act 1996.
- Refuge also contributed to public campaigns that stigmatized traditional legal safeguards (e.g. cross-examination) as hostile to victims, further justifying the erosion of due process.

NSPCC (est. 1884)

While formally focused on child protection, the NSPCC (The National Society for the Prevention of Cruelty to Children) played a key role in embedding the "safeguarding" paradigm across government and public services. From the 1990s onward, the NSPCC expanded its remit to include parental conflict, psychological harm, and "emotional neglect"—thus justifying intervention not only in cases of abuse, but in any behaviour deemed emotionally harmful by professionals.

- The NSPCC collaborated with the Department of Health and Department for Education to redefine child protection thresholds, contributing directly to Working Together to Safeguard Children (1999)—a statutory guidance document that laid the foundation for future social services interventions based on subjective "concern" rather than criminal conduct.

Government Grants as Instruments of Ideological Engineering

Between 1995 and 2004, government funding for domestic abuse charities increased exponentially, particularly under the New Labour administration, which sought to promote "joined-up government" by aligning civil society actors with state objectives. These grants were rarely neutral.

From the 1990s onward, funding from central departments—including the Home Office, Department of Health, and independent grants—began to shape these charities into *quasi-state contractors*. This funding linkage meant legal definitions and policy positions were increasingly grounded in the priorities of government-backed charities, which effectively became part of the policy machinery. One clear result was the reframing of domestic violence from "family conflict" to "domestic abuse," emphasizing gendered dynamics and psychological harm—an evolution both legal and semantic.

- Grants often came with policy expectations: recipient organisations were expected to support government definitions, expand risk-based frameworks, and endorse specific legal tools such as Non-Molestation Orders and Occupation Orders.
- The Home Office launched multiple funding schemes—Crime Reduction Programme, Supporting People, and Domestic Violence Units—that rewarded ideological alignment, especially around the language of "coercive control", "risk", and "zero-tolerance".
- By 2003, Women's Aid and Refuge were receiving multi-million-pound grants, with some staff embedded in police units and advisory committees, effectively blurring the line between state function and independent advocacy.

These grants turned NGOs into policy delivery arms of the state, enabling the government to outsource the ideological work of legal transformation while maintaining a veneer of pluralism.

Media, Education, and NHS Campaigns: Creating a New Cultural Consensus

The promotion of the protective state went far beyond legal reform or NGO activity. Public education campaigns and institutional training programmes spread the new ideology of "victimhood" and "proactive intervention" into every branch of society.

Public Campaigns (TV, radio, leaflets, schools)

- High-impact media campaigns launched by the Home Office between 1999 and 2004—such as *"Domestic Violence: There's No*

Excuse"—deliberately blurred the line between criminal assault and emotional disagreement.

- Posters and school education materials emphasised "believe the victim" frameworks, often omitting reference to evidence or legal process.
- These campaigns created a public perception that accusation equals guilt, and that police and courts exist to protect, not adjudicate.

NHS and Social Work Integration

- NHS protocols in this period increasingly instructed GPs, nurses, and midwives to identify and report domestic abuse indicators, even when no disclosure was made. This resulted in a duty to report based on "professional concern" rather than any tangible incident.
- The Routine Enquiry policy, formalised in NHS Trusts by 2004, encouraged healthcare workers to ask all women about domestic abuse—even in unrelated appointments—embedding a surveillance culture within care services.

Teacher and Youth Worker Training

- Government-funded charity programmes, including those run by NSPCC and Women's Aid, infiltrated school curricula under the label of "Healthy Relationships" education.
- Pupils were taught to interpret control, jealousy, or disagreements as early warning signs of abuse, priming them to identify ordinary interpersonal conflict as state-reportable behaviour.

Conclusion:

The Ideological Infrastructure Beneath the Legal One

By the end of 2004, a powerful ideological framework had been constructed beneath the surface of new legal mechanisms like the Family Law Act 1996, the Protection from Harassment Act 1997, and early Anti-Social Behaviour Orders. While legal change was the visible scaffolding, the cultural and institutional transformation was driven by:

- Charities acting as ideological agents, funded by the state but

perceived as independent.

- Public sector professionals trained to detect and report "risk", regardless of legal standards.
- Mass campaigns cultivating social consent for intervention without trial, due process, or clear definitions.

This alignment of law, civil society, and cultural messaging formed the essential infrastructure of control—a new governance model where emotional harm, perceived risk, and subjective distress became sufficient legal triggers, and state power expanded under the rhetoric of care.

1. "Independent" charities as state contractors:
   Though nominally non-governmental, charities like NSPCC and Women's Aid operated with significant state influence—training, grants, and research shaped by official priorities.
2. Legal discourse rewritten:
   Training programmes for police, lawyers, and judges adopted definitions and priorities crafted by these charities, pushing a risk-based, guilt-optional model of justice.
3. Emotional engineering of public opinion:
   Campaigns focused on fear, trauma, and safety—even abstract "risks" were enough to justify new restrictions or interventions.
4. Court-charity cooperation:

Civil courts increasingly accepted evidence and submissions from NGOs as authority, embedding new norms into judicial reasoning. The narrative of "protection" became both the legal and public justification for expanded, often coercive, intervention.

Bureaucratic Expansion of Control

(2004–2010)

Chapter 11

SOFT REPRESSION:

The Development of the Legal Apparatus of Administrative Restrictions

- Domestic Violence, Crime and Victims Act 2004
- Serious Crime Act 2007 and SOCPA
- Serious Crime Prevention Order (SCPO)
- ASBOs (Anti-Social Behaviour Orders)
- PINs, Coutions, Warnings, Undertakings, etc.
- Bureaucratisation of enforcement and ASBO culture
- Birth of the modern administrative control regime

Introduction:

Between 2004 and 2010, the UK witnessed the further institutional entrenchment of a previously initiated course toward building a hybrid system of legal control — one that enhanced punitive powers without trial or guilt, under the banner of "violence prevention." This period can be characterised as a phase of designing and implementing new legal instruments deliberately aimed at undermining traditional criminal law safeguards, including the presumption of innocence, adversarial process, and protection from arbitrary state interference.

Developing the Legal Infrastructure of Control:
A Snowball of Reforms Gains Momentum

2004:

Domestic Violence, Crime and Victims Act 2004

This Act was pivotal in merging family and criminal law, incorporating elements of purely administrative control:

- It reclassified the breach of a non-molestation order (FLA 1996) from a civil contempt to a criminal offence.
- It gave courts the power to issue restraining orders even after an acquittal, meaning that even a not-guilty verdict did not preclude legal restrictions.
- It introduced new victimological principles that granted a special procedural status to the "victim" before any crime was established. This marked a turning point: the restraining order became a behavioural management tool, no longer a response to proven misconduct.

2005:

Serious Organised Crime and Police Act 2005 (SOCPA)

Despite its title, the Act did not focus solely on organised crime. It marked an important step in the normalisation of behavioural restrictions imposed without criminal proceedings:

- It expanded police powers to impose behavioural and location-based restrictions in public spaces.
- It widened the use of Anti-Social Behaviour Orders (ASBOs) — civil orders issued without criminal charges.
- It laid the groundwork for Serious Crime Prevention Orders (SCPOs), formally introduced later but developed during this period.

2007:

Serious Crime Act 2007

Coming into force in 2008, the Act introduced a new form of

punishment — the Serious Crime Prevention Order (SCPO):

- Issued by civil courts (High Court or Crown Court) without a criminal trial on the substance of the offence. Although SCPOs may be issued by the Crown Court, they are considered civil preventive orders, not criminal sentences. This hybrid model allows criminal courts to act under civil powers, bypassing many traditional safeguards.
- Only required proof that the actions might be linked to serious crime in the future — i.e., "pre-criminal logic."
- Breach of an SCPO was a criminal offence punishable by up to 5 years' imprisonment.
- Restrictions could include:
    - Movement restrictions;
    - Contact with specific individuals;
    - Business activity limitations;
    - Communications and internet usage controls;
    - Residency restrictions.

SCPOs represented the height of administrative control, no longer masked as victim protection. They targeted "potentially dangerous" individuals, sometimes with no connection to any specific incident. This marked a critical step in legalising preventive punishment based on hypothetical risk.

The Expancion of ASBO Culture

Although ASBOs (Anti-Social Behaviour Orders) were introduced by the 1998 Crime and Disorder Act, their usage became widespread and institutionalised between 2004 and 2010:

- They covered low-level personal disputes — neighbourhood quarrels, domestic disagreements, teenage misbehaviour.
- ASBOs could be initiated not only by victims, but also by local councils, schools, housing associations, and even private security firms (!).
- Breach of an ASBO was a criminal offence — up to 5 years in prison.

The ASBO became a universal behavioural control tool, applying civil mechanisms with criminal consequences — a logic first introduced in

the PHA 1997, now fully systematised.

Police Notices and administrative punishment:

Building on the PHA's logic, Police Information Notices (PINs) and Police Warnings were introduced as informal warnings of potential harassment. Though not legally binding, PINs had serious consequences:

- They were recorded in police databases.
- They were used as evidence in court to demonstrate a "pattern" of behaviour.
- They could lead directly to restraining orders.

In effect, these notices became punitive tools without legal status. Lawyers began marketing them as weapons:

- They called them "Magic PINs," advising clients on how to weaponise them.
- PINs were sometimes obtained against non-existent individuals.
- They were used to silence witnesses, obstruct justice, or sabotage reputations.

Guidelines and Institutional Practice

Beyond legislation, the period saw the codification of police and court guidance in several areas:

- Standardised procedures for issuing restraining orders regardless of whether charges were brought.
- Police instructed to collect subjective testimony of "distress" or "alarm" as sufficient basis for intervention.
- Warnings (PINs, harassment notices), formally non-binding, were used as court evidence of "repeated behaviour."

Conclusion:

2004–2010: From Justice to Risk Management

This period can be defined as a phase of structural consolidation of the ideology of control:

- All key restrictions became preventive, not reactive.
- The scope of guilt-free legal measures expanded — especially in

family, social, and everyday conflict settings.

- Tools were established that allowed the state to control individual behaviour based on subjective complaints, bypassing traditional criminal justice processes.

Meanwhile, a growing system of Police Information Notices (PINs) and informal Harassment Warnings allowed state intervention without any trial, often without the knowledge or consent of the alleged "victim."

These instruments, taken together, solidified a two-tier justice system: one that required formal guilt and criminal procedure, and another — more flexible, more dangerous — that required only suspicion, discomfort, or perceived risk.

By 2010, the legal system had created an extensive array of tools that blurred the line between civil prevention and criminal punishment. These included:

- ASBOs, widely used and routinely violated;
- Restraining Orders under PHA 1997 issued in the absence of criminal convictions;
- SCPOs against individuals with no criminal record;
- PINs, used to create "evidence" of risk;
- Harassment Warnings, to create a record to be used in later proceedings;
- and the increasing normalisation of post-acquittal sanctions.

The result of the legal measures introduced between 2004 and 2010 was nothing less than a transformation in the very meaning of guilt, punishment, and protection. Under the banner of safeguarding, British law ceased to operate as a guarantor of rights and became instead a machinery of control. Freedom no longer depended on obedience to the law, but on submission to preventive orders—often imposed without trial or conviction.

British justice thus mutated into a system where punishment no longer followed crime but disobedience to administrative command. Law remained as ritual; power shifted to extrajudicial controls. What emerged was not justice, but a punitive simulacrum disguised as protection.

1. Table: Key Legal Instruments and Orders Introduced (2004–2010)

Year	Instrument / Act	Type of Control	Description	Criminal Consequences
2004	**Domestic Violence, Crime and Victims Act**	Civil–Criminal Hybrid	Made breach of *non-molestation orders* a criminal offence. Allowed restraining orders after acquittal.	Yes – criminal offence without conviction
2005	**Serious Organised Crime and Police Act (SOCPA)**	Civil/Administrative	Expanded ASBO usage; introduced broader control over conduct in public and private spaces	Yes – breach leads to imprisonment
2007	**Serious Crime Act** (enacted 2008)	Civil Order with Criminal Sanction	Introduced *Serious Crime Prevention Orders (SCPOs)*: civil orders restricting movement, contact, business, etc.	Yes – up to 5 years imprisonment
2004–2010	**Expansion of ASBO Regime**	Administrative/Public Order	Rapid increase in anti-social behaviour orders (ASBOs) issued without trial	Yes – breach is criminal
2004–2010	**Police Information Notices (PINs)**	Informal Warning	Issued without evidence; used as basis for restraining orders	Indirectly – used as quasi-evidence
2004–2010	**Judicial and Police Guidance**	Institutional Practice	Encouraged broader use of restraining orders	Yes – leads to criminalisation of civil breach

Year	Instrument / Act	Type of Control	Description	Criminal Consequences
			post-acquittal or without charges	

2. Chronological Timeline: 2004–2010 — Establishing the Legal Infrastructure of Control

- **2004**:
  - *Domestic Violence, Crime and Victims Act* passes.
  - Non-molestation orders now criminal if breached.
  - Restraining orders can be issued after acquittal.
  - The concept of protection without guilt **is embedded** in law.
- **2005**:
  - *Serious Organised Crime and Police Act (SOCPA)* passed.
  - Facilitates broad behavioural controls via ASBOs.
  - Begins laying groundwork for SCPO-type controls.
- **2006–2007**:
  - Practice directions expand use of *restraining orders* in civil cases.
  - Police encouraged to issue *PINs* as early-stage behavioural management.
  - Informal systems of control solidify.
- **2007**:
  - *Serious Crime Act* passed (effective 2008).
  - Introduces *Serious Crime Prevention Orders (SCPOs)*.
  - For the first time, people can face criminal penalties for **future risk**, not past crime.
- **2008–2010**:
  - ASBO usage peaks.
  - PINs become widespread.

- Systematic merger of civil processes and criminal consequences.
- Control of lawful behaviour (e.g., who you talk to, where you live) becomes standardised.

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Chapter 12

POLICING BEYOND ITS MANDATE:
The Imposition of Alien Quasi-Judicial Functions

This chapter covers:

- The shift of police from traditional law enforcement to administrative control
- The coercion of police into intimidating innocent individuals through quasi-judicial instruments
- The expansion of executive power at the expense of judicial oversight in domestic matters
- Accusations triggering immediate state intervention without trial or due process
- The legal twilight zone between criminal accusation and civil enforcement
- Judicial complicity in upholding police-issued restrictions lacking evidence or due process

Introduction:
A New Era of Informal Justice
From Policing to *de facto* Judiciary

The late 1990s and early 2000s witnessed the steady emergence of a new system of quasi-legal control in the United Kingdom—one that gradually bypassed the judiciary while claiming to protect the public from harassment, domestic abuse, and anti-social behaviour. Under the guise of efficiency, flexibility, and victim-centred approaches, the state expanded the role of the police from that of law enforcers to de facto adjudicators.

At the heart of this shift was the proliferation of non-judicial tools: Police Information Notices (PINs), community resolutions, harassment warnings, and cautions.

These instruments carried no formal conviction, yet their effects were often indistinguishable from punitive sanctions—severing family ties, ending careers, damaging reputations, and leading to arrests for alleged breaches. Crucially, many were issued without evidence, without a hearing, and without the recipient even being informed until consequences followed.

This chapter examines how the expansion of executive police powers eroded centuries-old legal protections—most notably the presumption of innocence and the right to a fair trial—giving rise to a quasi-judicial "shadow legal order" operating alongside and outside the formal courts.

Informal Tools and Their Real-World Consequences

Police Information Notices (PINs) were introduced in the early 2000s as a way to manage harassment complaints without overburdening the courts. Initially presented as informal, non-binding warnings, they quickly became instruments of social and legal control. Although not legally enforceable, PINs were recorded in police databases and could be cited in future proceedings as indicative of prior misconduct—even when never proven or challenged.

Other informal mechanisms soon followed:

- Community Resolutions allowed police to resolve complaints without formal proceedings, often extracting admissions of guilt without legal advice.
- Harassment Warnings, though not statutory, were issued as if they carried formal authority.

- Simple Cautions were entered into criminal records and could be treated as evidence of culpability in family, employment, or immigration proceedings.

The supposed informality of these tools masked their real impact. Individuals often received notices by post, sometimes not at all, with no opportunity to contest them or appeal. In practice, these instruments functioned as judgments outside the courts, imposed by police rather than judges.

Police Notices as Administrative Punishment

Building on the logic of the Protection from Harassment Act, PINs evolved into instruments of administrative punishment. Though legally non-binding, they carried serious consequences:

- Logged in police databases;
- Used as evidence of a "pattern of behaviour" in future cases;
- Could form the basis for more severe measures, such as restraining orders.

Lawyers sometimes referred to them as "Magic PINs," highlighting their tactical use:

- To silence witnesses, obstruct justice, or damage reputations;
- Issued without the recipient's knowledge, right of appeal, or proper scrutiny;
- Sometimes employed to support fictitious claims or exaggerated allegations.

These measures were coercive in effect, yet existed outside traditional legal safeguards. The system operated entirely beyond accountability: targets often had no knowledge of the notice, no right to challenge it, and no legal recourse.

The Administrative State Ascendant: From Checks to Discretion

This trend was especially visible in the management of interpersonal conflict. Police officers, sometimes under pressure from senior officers, political agendas, or "safeguarding" protocols, issued formal notices en masse. Allegations were seldom verified, complainants often not interviewed in depth, and accused individuals rarely heard at all. In many instances, the threshold for issuing a warning was not "proof" or "balance

of probabilities," but mere reportage.

Behind this lies an unspoken presumption: that police intervention is neutral, non-punitive, and benign. But in reality:

- These actions immediately altered people's lives—through job loss, public stigma, eviction, or separation from children.
- The notices were frequently treated as evidence of misconduct in future proceedings (e.g. family courts or immigration tribunals), thereby retroactively assuming probative value.
- Legal representatives often advised clients to "accept" cautions or warnings without understanding the long-term legal implications—especially for vulnerable or poorly advised individuals.

The Invention of "Course of Conduct" and the Subversion of Criminal Law

The introduction of the *"course of conduct"* under the Protection from Harassment Act 1997 represented not merely a semantic innovation, but a structural transformation in the logic of legal responsibility. Traditional criminal law requires *actus reus* (a wrongful act) and *mens rea* (criminal intent) as foundational elements for establishing guilt. By contrast, the *course of conduct* concept allowed authorities to bypass these principles entirely.

Under this framework:

- A sequence of minor, lawful, or even socially mundane actions could be construed as a legally actionable "pattern," regardless of intent.
- Criminal liability could be attached to conduct that had not caused demonstrable harm, and to emotional or psychological reactions perceived by others rather than objectively proven effects.
- Police Information Notices (PINs) and restraining orders could be issued *preemptively*, on the basis of perceived risk rather than actual wrongdoing.

This mechanism effectively replaced the evidentiary and intent-based foundation of criminal law with a system of interpretative risk management. The law no longer measured *what was done* or *why it was done*; instead, it penalised *what could be perceived* as potentially harmful.

In practice, the *course of conduct* doctrine allowed for:

- Aggregation of trivial or unrelated acts into a single legal claim.

- Issuance of warnings and orders without notice, hearing, or opportunity for defence.
- The transformation of subjective fear or anticipation into a trigger for legal sanctions.

The result was a quasi-judicial shadow system, in which the police and courts could exercise coercive power independent of the classical safeguards of criminal justice. What had once required proof of guilt now depended on interpretation of perceived patterns, creating a structure in which punishment precedes crime and preventive control supplants adjudicated justice.

The "course of conduct" was a clever legal trick, modeled loosely on the U.S. concept of stalking, which had already been criminalised there. But it was a trick: in the United States, specific actions were prohibited, whereas in England the concept could be applied to virtually any behaviour. To conceal the fact that lawful actions were being punished, it was presented as targeting "persistance" (in two instances), shifting the focus away from the nature of the acts themselves and onto their supposed repetitiveness, which was said to cause emotional harm.

Judges, Prosecutors, and the Shadow Justice System

Far from resisting executive encroachment, courts increasingly legitimised informal police measures. Judges routinely upheld orders based on prior Police Information Notices (PINs), cautions, or harassment warnings—even when these had been issued without evidence, notice, or due process. In family courts, the mere existence of a PIN or caution was often treated as proof of misconduct; in immigration tribunals, similar notices influenced assessments of character.

Judges were under constant pressure to ensure the "safety" of alleged victims—often in cases of harassment or stalking rather than domestic abuse. With no clear statutory definitions or procedural guidance, they acted according to perceived risk, interpreting vague allegations in the broadest possible way.

Prosecutors were equally affected. In the absence of precise definitions of what constituted an offence, they often did not know whether or how to pursue cases. Confusion was inevitable: if the conduct was vaguely defined and criminalised primarily through perception or emotion, how

could prosecutors issue clear instructions or enforce the law consistently? In many cases, they relied on informal cues or pressure from senior officers, contributing to inconsistent or precautionary actions.

This created *a self-reinforcing cycle:* unreviewed accusations became the foundation for judicial decisions, which in turn reinforced the authority of the original notices. The presumption of innocence was inverted: individuals could be restricted, evicted, or branded a threat without ever being found guilty. The right to a fair trial was largely bypassed; many punitive measures—eviction, bans on seeing children, job loss—were imposed without trial, disclosure, or appeal.

The rise of administrative policing reflected a broader shift toward executive-led justice. Police discretion increasingly substituted for judicial determination. PINs and related tools, though technically informal and non-binding, carried permanent consequences: they were logged in databases, cited in later proceedings, and often became stepping-stones to restraining orders or other coercive measures.

British justice thus entered a hybrid "twilight zone," neither fully civil nor criminal, where accusations alone could trigger state intervention and destroy lives. Procedural safeguards were undermined, subjective perceptions replaced evidentiary standards, and both judges and prosecutors, acting under pressure and in conditions of legal uncertainty, became active agents in sustaining a shadow legal order—where fear, administrative discretion, and vague directives dictated punishment instead of trial and proof.

Summary of Core Shifts:

Traditional Principle	Quasi-Judicial Shadow System Mechanism	Human Impact / Effect
Presumption of Innocence	Sanctions triggered by mere accusation or suspicion	A person could face restrictions, eviction, or stigma without ever being proven guilty. Fear replaces legal certainty.
Right to Trial	No hearing, no cross-examination, no	Individuals are denied the chance to challenge claims; decisions

Traditional Principle	Quasi-Judicial Shadow System Mechanism	Human Impact / Effect
	opportunity to defend	happen without participation or notice.
Court-based Judgment	Administrative acts imposed by police without judicial oversight	Punishment is delivered outside courts; police warnings and notices become binding in effect.
Criminal Conviction after Due Process	Informal notices or warnings treated as de facto evidence	"Warnings" are cited in family, employment, or immigration proceedings as proof of misconduct, even without conviction.
Adversarial Legal System	Decisions made opaquely, relying on discretion and fear rather than law	Authority operates in secrecy; arbitrary enforcement creates anxiety, suspicion, and opportunities for abuse.

This systemic transformation short-circuits liberties: it allows the state to restrict lives not through proven guilt, but through mere suspicion—often without accountability, transparency, or any possibility of challenge. In this parallel justice system, formal guilt and informal sanctions merge into the same punitive apparatus, creating serious threats to constitutional order and civil rights.

Note on the Perverse Consequences of PINs (Police Information Notices)

The authors believe it is important to highlight that the significance of this seemingly benign legal tool—namely the Police Information Notice (PIN)—has been critically overlooked in the broader process of legal transformation. Far from being harmless, the PIN has contributed to a systemic shift that undermines the very foundations of justice, setting off a cascade of damaging institutional processes.

The authors feel compelled to draw attention to a troubling dynamic whereby a non-criminal instrument like the PIN—originally introduced as a mere warning notice—has triggered profound consequences, ultimately turning the legal system against itself. Designed to de-escalate minor incidents without court proceedings, the PIN has evolved into a mechanism that is strategically abused to damage reputations, suppress lawful behaviour, and restrict access to justice.

The very possibility of manipulating this tool has led to a distortion of professional ethics among legal practitioners. The most unscrupulous service providers quickly recognised its potential for profit and influence—calling it, with no irony, the "Magic PIN" for its seemingly miraculous effects. In their distorted worldview, it was indeed a tool for conjuring outcomes without proof or trial.

Instead of offering legal defence based on substantive knowledge of the law, many lawyers—particularly in family law and harassment-related contexts—have shifted toward offering services aimed at discrediting or intimidating innocent individuals. The turning point in this ethical collapse was the use of the PIN as a reputational weapon.

This transformation has bred a new kind of legal actor: the coercive solicitor, who does not win cases through argument or evidence, but by deceiving police and judges into acting as unwitting agents of intimidation. In many cases, clients are encouraged to pre-emptively destroy the reputation of a perceived adversary before any legal conflict has even begun. A common tactic is to claim in a PIN statement that someone engages in a "course of conduct" by threatening to take legal action—characterised as harassment causing emotional distress.

Once the PIN is issued, solicitors often seek a civil restraining order, adding clauses that covertly restrict the target's ability to report crimes to the police—sometimes even requiring prior notice to the solicitor before any contact is made. In this way, the legal system becomes weaponised not merely against individuals, but against its own foundational principles: the duty to report crime, the right to seek legal redress, and the presumption of innocence.

What began as a harmless administrative notice has thus become, in effect, a tool of systemic corrosion.

Chapter 13

FAMILY PROCEDURE RULES 2010:

The Constitution of the Parallel Justice System Within Common Law System

This chapter covers:

- Establishment of a closed, codified family justice system.
- Case management logic: judges as administrators, not arbitrators.
- Simplified evidentiary standards and "flexible justice."
- Departure from adversarial common law principles.
- Institutionalisation of a parallel, protective, ideology-driven framework.

The Family Procedure Rules 2010:

Institutionalising Systemic Mutations of Common Law

The Family Procedure Rules 2010 (FPR 2010) represent the logical continuation of the construction of a parallel system of law within the law—one largely independent of the principles of common law in England and Wales. Earlier reforms, including the creation of separate Family Courts and legislation aimed at controlling individual behaviour, already demonstrated a pattern: common law principles often acted as obstacles to extending administrative control. However, without FPR 2010, the entire system could not have been technologically operationalized.

By establishing a unified procedural code for all family proceedings, FPR 2010 created a "procedural shell" within which new quasi-courts could operate, distinct from traditional safeguards and common law

methods. It may be compared with procedural codes in codified jurisdictions. Its emergence was not spontaneous but the product of a **self-reinforcing cycle**: the Family Division issued practice directions for new cases, Parliament responded with legislation, and judges and legislators—under pressure from organised public opinion and legal professionals—progressively moved away from common law principles.

The development began with the Matrimonial Causes Act 1973 and the Family Law Act 1996, gradually producing practices where early acts (1976–1997) created the tools for administrative control:

- Injunctions, occupation/non-molestation orders, and harassment orders were introduced, but scattered across multiple acts.
- Rights and procedures became increasingly detached from traditional adversarial common law principles, such as transparency and procedural equality.
- Special procedural rules, like the Family Procedure Rules 1991, were introduced specifically for family cases, particularly those involving domestic violence.
- Institutions such as the Principal Registry of the Family Division (PRFD) gained prominence, featuring closed hearings and restricted access.

Family Law Act 1996 and PHA 1997

These acts marked the beginning of **hybrid procedures**: civil processes with criminal consequences. They also paved the way for the *unification of procedures* and experimental extensions of judicial authority over individual behaviour.

Institutionalisation (1999–2010)

The establishment of a separate Family Division and the issuance of practice directions institutionalised a structure that was no longer merely a subdivision but a center of family justice. This structure operated under its own logic, increasingly independent from general courts and common law norms.

Family Procedure Rules 2010: Formalising a Separate Procedural Logic

FPR 2010 introduced a unified procedural framework for family proceedings, including:

- Ex parte hearings, allowing applications without notifying respondents.
- Authority to restrict respondents' rights without full hearings, based on "exceptional circumstances," with a view to normalising this approach.
- Expanded powers for rapid issuance of restraining orders with minimal procedural safeguards.
- Embedded case management logic, where judges acted as administrators of the process rather than as impartial arbitrators.
- Simplified evidentiary standards and principles of "flexible justice", often described by experts as quasi-criminalor administrative.

Departure from Classical Common Law Principles

- Traditional common law principles, such as the presumption of innocence and the right to a fair trial, were sidelined.
- Temporary measures were traditionally limited in time and transitioned into full adversarial hearings; under FPR 2010, these safeguards were diminished.

Institutional and Ideological Mutation

The parallel system created by FPR 2010 was not merely a set of new rules but a structural and ideological mutation:

- Procedures became isolated from general justice.
- A new epistemology prioritised risk assessment, trust in the applicant, and minimal evidentiary requirements.
- A different ideological foundation emerged: the protection of the "vulnerable" at the expense of basic civil rights.

Conclusion

The Family Procedure Rules 2010 represent a crucial stage in

constructing a parallel family justice system in England and Wales. Departing from the adversarial common law tradition, it replaced it with an administrative, risk-averse model prioritising protection over due process. This shift institutionalised:

- Restricted hearings and ex parte orders with limited review.
- Codified departures from common law principles.
- A fundamentally different approach to evidence, trust, and decision-making.

Although public trust in judges persisted under the old system, FPR 2010 marked the point where judges themselves became unable to fully protect individuals from abuses by authorities or malicious actors, solidifying a procedural and ideological system that operated largely outside traditional legal safeguards.

FPR 1991 v FPR 2010

The Family Proceedings Rules 1991 (FPR 1991) and Family Procedure Rules 2010 (FPR 2010) reflect the institutional and ideological transformation of British family justice.

Here is a brief but precise comparison:

1. *Status and Scope*

- FPR 1991
  — One of several sets of rules operating in parallel (different rules applied in magistrates' courts, county courts, and the High Court).
  — Lacked the status of unified procedural norms; rather, they were a collection of rules for specific jurisdictions.
  — Limited coordination, leading to fragmented processes.
- FPR 2010
  — Created, for the first time, a single, unified set of rules for all family cases, regardless of court level.
  — Established as a statutory instrument (SI 2010 No. 2955) and came into force on 6 April 2011.
  — Structured on the model of the Civil Procedure Rules (CPR), but with critical differences (e.g., significantly greater role for case management, more scope for non-adversarial decisions and "soft law").

2. *Ideology and Epistemology*

- FPR 1991
  — Primarily based on traditional procedural principles (though some flexibility was already permitted).
  — Largely aligned with the logic of common law and adversarial proceedings.
- FPR 2010
  — Embodied a new philosophy of "protective justice" and a victim-centred approach.
  — Institutionalized a distinct epistemology for family justice: prioritization of welfare, recognition of emotions, trust in the applicant, and emphasis on informal assessments.
  — Introduced the possibility of hearings without the parties present, relying on statements rather than evidence.

3. Impact on Parties' Rights

- FPR 1991
  — Guaranteed basic elements of procedural fairness (notice, adversarial participation, right to respond).
- FPR 2010
  — Significantly weakened procedural safeguards for respondents, especially in cases involving domestic violence, injunctions, and orders without notice.
  — Introduced flexible procedures giving courts discretion not only over form but also over the structure of case management.

Key Conclusion

FPR 2010 is not merely an updated version of FPR 1991 but represents an institutional rupture, paving the way for a parallel legal logic incompatible with common law principles.

Rules should be regarded as a key element of legal mutation, where the protection of one party's interests (typically the presumed "victim") replaces a bilateral process and the balance of rights.

Aspect	FPR 1991	FPR 2010
Legal Status	Fragmented rules, court-specific (not unified)	Unified statutory instrument (SI 2010/2955)
Scope and Coverage	Applied separately in Magistrates, County and High Courts	Applies across all family courts (unified framework)
Underlying Legal Logic	Based on traditional adversarial principles	Administrative-discretionary model, less adversarial
Procedural Structure	More formal and structured procedures	Flexible, judge-led case management
Epistemology	Facts and evidence-based reasoning	Emotion, welfare, and credibility-based logic
Treatment of Respondents	Basic procedural protections (notice, right to respond)	Weakened safeguards; decisions often ex parte or based on statements
Relation to Common Law	Largely compatible with common law traditions	Represents a legal break — shift from common law logic
Ideological Orientation	Procedural and legal neutrality	Victim-centred, protective, ideology-driven

Chapter 14

A PROTO-FAMILY COURT FOR PARALLEL JUSTICE

This chapter covers:

- Delegation of court functions to a bureaucratic administrative office
- Principle Registry of the Family Division of the High Court of Justice

Remarks:
Nothing Happens by Chance

The focus of the following chapter is to reveal just how meticulous the preparations were for the creation of a new system—how carefully the plan was crafted, and how nothing in the relevant domain occurred by chance. It is remarkable that no one in the country seems to have noticed the deception.

To an outsider, it immediately appeared odd that an otherwise normal court handling routine family matters—even non-appeal cases—was suddenly called a "Registry," while all other courts across the country retained the conventional "County Court" plus district designation. Why avoid the word "Court" in the title if the institution was intened to function as a normal court?

Why establish a court for routine family matters in such a part of central London, where there are neither families nor children, only office buildings and law firms? Normally, lawyers gravitate toward courts, not the other way around.

Undoubtedly, one could propose many reasons to justify such an unusual name and location—for example, pointing to the peculiar structure of

English law.

Yet when one begins to trace the chain of events, it becomes clear that, in the broader puzzle of parallel legal structures, this anomalous registry formed a crucial piece.

Yet Britons paid little attention to the emergence of this anomalous structure, having been conditioned by long periods of preparatory discourse. As previously noted, the public was gradually acclimated to these changes, so that the shift went unnoticed and the true nature of the system remained concealed.

Introduction

In the early 2000s, the Principal Registry of the Family Division (PRFD) effectively served as the only specialized court for family matters in England and Wales.

- It was not immediately called a "Court," as such a designation would have been too radical and could have provoked political and legal challenges.
- The term "Registry" gave the impression of a technical office rather than a new type of court, thereby concealing the radical innovations being tested within it.
- In practice, the PRFD functioned as an experimental platform: rules, procedures, and organizational models were piloted here, forming the foundation for the Family Proceedings Rules 2010 and the eventual creation of the Family Court in 2014. Its administrative nature made it easy to introduce new principles and practices, testing innovations in a controlled setting before wider implementation.
- One notable example is the introduction of restrictive orders. Previously, submitting a document might concern a straightforward right, such as inheritance. Under the PRFD framework, the same procedural mechanism could be used to issue a coercive, intimidating order against an individual, effectively transforming a procedural formality into a tool of control.

- Such automation and bureaucratic efficiency could not have been implemented within ordinary territorial courts, due to their traditional structure and the nature of Common Law.
- In other words, the creation of a shadow or parallel system required a structure of a different nature—one that could host and normalize these practices without being immediately recognizable as departing from the principles of Common Law. The PRFD served precisely that purpose, acting as a "proto-family court" that quietly incubated a new judicial approach under the guise of its traditional title.

From Registry to Court: A Hybrid Institution

The Principal Registry of the Family Division (PRFD) was formally established under the reforms following the Matrimonial Causes Act 1971 as the administrative centre of the High Court's Family Division. While its name suggested a purely bureaucratic function, by the late 1990s the Registry had already begun functioning as a de facto family court. This duality — registry and court — created a unique hybrid, enabling reforms to be tested within existing legal structures without public or parliamentary scrutiny.

The Logic of Experimentation (Late 1990s)

The Family Law Act 1996 and the expansion of protective orders introduced pressures the existing High Court structure could not fully absorb. To manage these new procedural and substantive challenges, the Registry became the experimental site for implementing innovative processes:

- Streamlined applications and ex parte hearings
- Management of non-molestation and occupation orders
- Concentration of specialised family judges in one location

These measures effectively tested a new model of adjudication—a preventive, behavioural-focused approach—before its formal adoption in later legislation.

A Court Without Declaration

The PRFD retained its formal designation as a registry while functioning operationally as a court. Its ambiguous status allowed litigants to treat it as a family court, while the legal fiction of continuity concealed its substantive innovations. The strategy of gradual, hidden institutionalisation permitted the expansion of jurisdiction and procedural experimentation without the need for immediate legislative sanction.

Administrative-Hub Model (2000–2010)

By the early 2000s, the Registry acted as the central administrative hub for family cases in London. Practice Directions were issued by the Family Division and implemented through the Principal Registry, which functioned as the operational hub where new procedures were tested and normalised.

- Practice Direction 5A (1999): streamlined procedure for non-molestation orders
- Practice Direction 12B (2000): guidance on occupation orders
- Family Proceedings Rules consultation (2005–2010): piloting the framework later formalised in the Family Procedure Rules 2010

The Registry effectively normalised the fusion of civil and quasi-criminal measures, creating a controlled environment for preventive justice. Protective orders, ex parte hearings, and judicial discretion were refined here before being codified nationally.

Institutionalisation by Stealth

The PRFD exemplifies what can be called "institutionalisation by stealth": the creation of a parallel court system under the guise of an administrative office. By 2010, it had already laid the procedural and operational foundations for the later unified Family Court (2014), which inherited much of the Registry's framework.

Key aspects included:

- Routine issuance of protective and non-molestation orders
- Minimal evidentiary thresholds for preventive measures
- Concentration of specialist family judges to ensure consistency and control
- Incremental shifts away from classical common-law safeguards

In effect, the Registry became the prototype of a parallel system, designed to operate within Common Law but impervious to its traditional protections.

Conclusion:
Hidden Genesis of the Family Court

Outwardly a registry, internally a court, the PRFD served as a hidden laboratory for testing the mechanisms of preventive family justice.

Its ambiguous status allowed legal engineers to refine procedures, expand jurisdiction, and normalise new forms of judicial power.

The evolution of the PRFD demonstrates how institutional change can occur incrementally and invisibly, embedding profound systemic control under the appearance of continuity and procedural normality.

By 2010, the procedural and structural innovations trialled at the PRFD were ready for full institutionalisation in the unified Family Court, marking the culmination of a decades-long experiment in parallel legal architecture.

Chapter 15

LADY HALE

And the Ideological Reconfiguration of Law

Each brick she tore from the foundations of justice became a step on her climb; at the very summit, she looked down at the people she had fooled with rhetoric alone and chuckled at how easily she had led them astray.

- The beginning of hypocrisy in law – replacing facts with rhetoric
- Deployment of preventive rhetoric to circumvent legal principles and establish control.
- Embedding "Coercive Control" in case law.
- Malicious shaping of public discourse and rhetoric to facilitate the introduction of coercive instruments.
- Malicious codification of domestic violence as a legal norm to erode safegurds.
- Malicious introduction of ex parte orders as the inception of extrajudicial punishments.
- Malicious application of coercive measures as isolated cases, rather than integrated within family proceedings.
- Malicious extension of criminal law terminology into civil law contexts.

Betraying the Judge's Mantle:

Brenda Hale and the Subversion of Justice – an Author's Perspective

Her meteoric rise—a career trajectory unique in its kind—was made possible because she became the principal enforcer of a unique, historically unprecedented, and fundamentally fraudulent scheme. This conclusion is inescapable to anyone who carefully analyses her biography against the basic foundations of law. She is often described as the architect of preventive justice; yet it remains impossible to know with certainty whether this scheme was devised in detail by her alone, developed in collaboration with others, or imposed upon her from actors outside the legal sphere.

What can be asserted, however, is that, like any malicious act or fraudulent scheme, it produced victims—the British legal system, stripped of its very substance and left in ruins, and, as a consequence, the British people themselves.

The scheme consisted in devising methods and mechanisms to bypass the safeguards of common law and due process, thereby enabling arbitrary power and total control over individuals. These safeguards had historically prevented tyranny, but she engineered ways to circumvent them.

Through a deceptively simple instrument—protective rhetoric—she laid the foundation for a parallel justice system, operating independently of common law principles yet nested within the broader legal framework. This system thrived on manipulating public trust and exploiting symbols drawn from familiar legal and cultural traditions, conditioning society to accept external control over their own lives.

One such symbol was the deeply ingrained cultural expectation of the wise and impartial judge—someone who, even in the absence of constitutionally enshrined rights, could be trusted to shield the individual from arbitrary state power or malicious private actors.

She betrayed this trust. Having received a solid classical education in those better times when students were taught the fundamental concepts and principles of law, and possessing long judicial experience, she could not have failed to foresee the destructive

effects her innovations would unleash.

Unlike continental law, English law is not confined within rigid codified frames; its distinguishing feature is flexibility. Common law is often more humane than codified systems, allowing judges discretion to forgive a first minor offence rather than impose automatic punishment. Yet this very flexibility, while a strength, is also a profound vulnerability. It must be handled with the utmost caution: experiments or unchecked innovations risk destabilising its delicate balance and eroding the safeguards that have historically defined it. Any ill-considered reform can unravel these protections and turn a virtue into a danger. In the hands of malicious actors, the system becomes as malleable as clay.

Unlike in countries such as Russia, France, or Italy, British law lacks rigid constitutional "anchors" for human rights—protections enshrined with the force of revolutionary authority or a legal heritage so strong that fundamental rights stand in a codified constitution like an unbreachable fortress. Even if one were to assume, hypothetically, that some deviation or erosion occurs, in those systems it would still be possible to restore the law by referring to this insurmountable barrier of fundamental rights. In the UK, however, no such built-in protection exists.

In English law, unlike systems governed by rigid norms, there is no unbreachable barrier; everything rests on a tacit social contract, case law that can be applied to almost any situation, ancient charters, the figure of a wise judge, trust in the courts, and confidence in the local police. The principles of common law and due process cannot be tampered with—neither under the pretext of an "emergency" nor in the name of "prevention." Naturally, a system as flexible and reputable as Britain's presented opportunities for malicious actors to experiment, especially since such experiments met little effective resistance. Dissenting voices were muted, and their number dwindled. Once one begins to "play" with these norms, the effect can quickly snowball. For example, we see how the Family Division itself develops precedents, which Parliament then codifies into law; under pressure from public groups, these laws are interpreted to extend the precedent; practice directions are issued; Parliament enacts even stricter legislation—and the cycle continues endlessly. There is no unassailable barrier to stop it.

And so, almost imperceptibly, the system transformed—and threatened to become a dictatorship of extreme severity. Throughout this process, Brenda Hale not only witnessed but actively directed these changes, all while ascending to the very apex of the judicial hierarchy. Above, power was concentrated, precedent reshaped, and legal principles bent to serve a new, coercive order.

Meanwhile, the judges who remained loyal to the principles of common law and due process—those who sought to protect the public, uphold fairness, and embody the ideal of a wise judge defending people from arbitrary authority—were left powerless at the base. They were silenced, marginalized, and publicly shamed, accused of indifference to the so-called victims, their reputations tarnished, their authority diminished, and their voices drowned out as the system they had devoted their lives to defending was steadily transformed above them.

Historical Context:

A Time to Create Simulacra

The emergence of the Baroness Hale phenomenon and its analysis must be understood within its historical context and the convergence of specific circumstances. Had she appeared twenty years earlier, Brenda Hale would likely have been merely a successful barrister, but not the architect of a new legal order that reshaped the foundations of Common Law. Had she emerged in another country—say, across the Channel in France or even in any other common law based jurisdiction—she would similarly have been unable to implement such transformations, as the constitutional and institutional conditions necessary for such a project simply did not exist there. Transformations of such profound magnitude would, under other circumstances, have required revolutionary conditions and could be explained as temporary emergency measures, which was unrealistic.

In the United Kingdom, however, due to its unique legal characteristics, it was possible to subtly undermine the foundations of the legal system almost imperceptibly, presenting these shifts afterward as accomplished and irreversible facts.

In the 1980s, Jean Baudrillard's theory of simulacra gained prominence, describing how signs, images, and symbols cease to reflect reality and instead become self-sufficient, producing the illusion of reality. A simulacrum no longer refers to an underlying truth but generates a convincing "false reality" detached from the essence of things. While philosophers applied this to culture, media, and art, political actors soon adopted it as a tool of governance. By preserving familiar institutional symbols and procedures, they created the appearance of legality and continuity, while in practice these structures served new purposes of power and control.

This postmodern logic shaped neoliberal political practice: instead of real transformation, states and international bodies pursued institutional "rebranding." Concepts of "rights protection" turned into systems of restriction; "liberalisation" into mechanisms of regulation; "judicial reform" into bureaucratisation. The power of the simulacrum lay in symbolic trust: people saw familiar names—"Supreme Court," "Human Rights Commission," "Family Law"—and assumed continuity with tradition, while in fact the institutions now functioned under a different logic, open to external direction through new language and norms.

For example, legal simulacra formally resemble familiar law, yet in practice function as instruments of control, deprivation of rights, or manipulation of people.

In other words, while philosophers studied the structure of signs and the mechanisms of illusion, later practitioners of power could use the concept of the "simulacrum" to disguise control and manipulation, constructing systems in which the appearance of legality masks the reality of subjugation.

The United Kingdom, unlike any other country, witnessed not merely reform, but a profound transformation of institutions into *simulacra of themselves*.

Britons believed they lived under familiar structures—Parliament, courts, family, schools, liberties—but in truth, these institutions were being reinvented as instruments of governance, detached from their original meaning: Members of Parliament protect not national but sovranational interests, courts no longer adjudicate but impose punishments, families no longer retain authority over children, and schools no longer provide an education.

This transformation was especially pronounced in the realm of law, where the United Kingdom became an experimental platform for developing the methods of *legal simulacra*.

Examples of such legal simulacra include:

- "Protective orders" retained the language of safeguarding, yet in practice often functioned as instruments of punishment without trial.
- *Ex parte* orders, though presented as emergency measures, gradually became routine tools for extrajudicial enforcement.
- "Human rights," once heralded as guarantees of freedom, increasingly served to justify intrusive state intervention into private life.
- Efforts toward gender equality, while rhetorically noble, sometimes operated as mechanisms to suppress the rights of one group under the pretense of elevating another.
- "Family law," though preserving its traditional name, steadily expanded its reach beyond kinship, regulating relations between unrelated individuals.

The Mind-Numbing Effect of Preventive Rhetoric

It was clear that for such transformations to occur unnoticed, a highly

developed discourse was necessary to obscure the true nature of the processes. This became "protective" rhetoric—promising safety, rights, and equality—lulled the public into a sense of security…

This rhetoric functioned like a potent narcotic. Just as Marx famously called religion "the opium of the people," so too did this discursive machinery dull citizens' perception, lulling them into a false sense of security while masking the construction of legal simulacra. Promises of protection, rights, and equality were the sugar coating; beneath it, the law was subtly reshaped into a mechanism of control.

Hypocritical discourse seeped into the very fabric of the legal system, replacing careful evaluation of facts and traditional adjudication with an invisible hand of coercion. It numbed rational thought, clouded judgment, and gradually stifled resistance under a soft yet inexorable grip. Familiar institutions—the courts, family law, and human rights frameworks—were quietly transformed from instruments of justice into tools of subtle domination. Every procedural tweak, every legislative "improvement," presented as protective and progressive, in reality coiled like a massive, invisible anaconda, tightening imperceptibly around the legal system and the individuals within it, leaving them disoriented, subdued, and painfully aware of their helplessness.

At the same time, all elements of the outward appearance of continuity with past traditions were strategically preserved: the strict enforcement of procedural rules, the requirement to produce evidence, the nullification of processes when procedures were not followed, accountability for false accusations, and even the visual trappings of judges in wigs, pompom shoes, and titles such as "Her/His Honour" or "Lady Justice." These external symbols were designed to reinforce the illusion of a wise and fair judge who could protect individuals from the malice of others.

Meanwhile, within the structures themselves, the foundations of Common Law underwent transformations far more profound than those

following revolutions such as the French or Russian.

Returning to a practical perspective, the concept of a legal simulacrum entailed the construction of a parallel system within the framework of Common Law. On the surface, it mirrored familiar structures, yet beneath this façade, it ignored the foundational principles of justice. Impervious to the safeguards of due process, this shadow domain operated as a space where law existed in name only, while in practice it became a tool of control and coercion.

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Individuals were not active participants in the proceedings, but little more than subjects of intimidation and injustice. People were forced through this system so that they would emerge frightened, submissive, and acutely aware of their helplessness. The system was designed to crush their will; individuals were meant to internalise their total powerlessness.

This domain, cloaked in the rhetoric of protecting vulnerable individuals from domestic abuse, functioned like a malignant growth, gradually absorbing other, still "healthy" areas of law. Its spread was reinforced by the suffocating, narcotic-like logic of preventive measures, which masked coercion under the guise of protection.

It was precisely in this context that Baroness Brenda Hale emerged as a key architect of legal metamorphosis.

Her career rose step by step on the dismantling of the old foundations: each "brick" removed from the edifice of common law became another

rung on her professional ascent.

When the structure of tradition finally collapsed into abstraction, she stood at the summit, presiding over a system of law that was at once recognisable in name and unrecognisable in essence.

Introduction

Constructing the Myth of '*The People's Judge*': Law, Rhetoric, and the Spider Brooch that Watched Over Them

No other figure in the modern British legal system has exerted as profound and lasting an influence on its internal transformation as Lady Baroness Hale of Richmond. Alongside Baroness May of Maidenhead, Hale stands not merely as a judicial leader but as one of the principal architects of an ideologically driven reordering of British law. Her legacy transcends individual rulings or academic contributions; she helped redefine the very philosophical and structural role of the judiciary.

While May advanced political and institutional reforms, it was Hale who laid the legal groundwork that allowed those changes to be embedded within the very fabric of the system. This transformation did not emerge through democratic vote or legislative upheaval, but rather through judicial interpretation, incremental doctrinal shifts, and subtle redefinitions of foundational legal principles.

In the UK, a certain myth has grown around Lady Hale. Media portrayals highlight her brilliance and depict her as a groundbreaking legal mind, supposedly justifying her appointments to the highest offices, culminating in her role as President of the Supreme Court.

In Britain, a distinct myth was constructed around Lady Hale as a brand. Media, academia, and political actors consistently framed her not only as a judge, but as a cultural icon. She was celebrated as the *first woman* to reach the top of the judiciary, the *"people's judge"* standing with the vulnerable, and even as a symbol of progressive diversity. Her spider brooch became a visual emblem reproduced in newspapers and television, turning her into a recognisable figure beyond the courtroom. This branding was not accidental: it functioned as a narrative device to legitimise a broader reform agenda in family and human rights law, with Hale herself presented as its living embodiment.

Yet a closer examination of her career suggests a different picture. Her rise appears less the product of singular legal genius than of recognition for her role in quietly reshaping the foundations of law—constructing mechanisms of pervasive control, such as restrictive orders, and fostering an anomalous British phenomenon: the formation, in effect, of a parallel legal system. Though formally framed within the structure of Common Law, this domain was exempt not only from its traditional principles but from the universal principles of justice themselves.

If there was genius in Hale's work, it lay in her ability to craft an ideology that, under the guise of protection and justice, built a largely invisible simulacrum of law. The public was led to believe that rights were being strengthened, while in reality procedural safeguards were steadily eroded.

The present disarray of British law—social workers exercising unchecked authority, families intimidated or displaced, civil and criminal jurisdictions increasingly entangled, and profound inequities in access to justice—can be traced in large measure to Hale's work. She emerges as a master legal engineer, shaping not merely rules but an entire system capable of penetrating and controlling private life under the pretext of protection.

Brenda Hale as a Master of Legal Engineering

Lady Brenda Hale can justly be described as a master of legal engineering. Her career was not only about interpreting statutes or resolving disputes, but about actively reshaping institutions—the family, marriage, courts, and the very concept of justice—through law.

Transforming Institutions Through Law

Hale's method of transformation was subtle but radical. Rather than open political confrontation, she promoted legal reinterpretation and gradual normative realignment. This approach allowed her to alter the foundations of society under the guise of judicial or legislative refinement. The family ceased to be primarily a private or religious unit, becoming instead a regulated sphere subject to continuous state intervention. Courts, once guardians of adversarial fairness, were reoriented toward managing behaviour under preventive orders and civil sanctions.

At the heart of this transformation lay a broader ideological project:

- the elastic expansion of abstract "human rights," detached from traditional legal safeguards,
- the prioritisation of subjective feelings—especially the testimony of alleged "victims"—over objective proof,
- and the normalisation of state intervention in private life under the rhetoric of "protection."

Legal Engineering in Practice

Hale's work on the Family Law Act 1996, her promotion of the concept of ex-parte orders, *coercive control* (later criminalised in 2015), and her judicial reasoning in domestic abuse cases all illustrate this engineering. What appeared as noble concern for the "vulnerable" in practice undermined

legal bedrock principles:

- the presumption of innocence,
- the requirement of objective proof,
- the adversarial nature of proceedings.

These are not mere technicalities but the foundations of legal civilisation. Their erosion has turned English law into a simulacrum of its former self: outwardly traditional, inwardly transformed into a system of preventive restrictions and punishment without due process.

The Architecture of Legal Transformation

Executing such a profound transformation required more than rhetorical skill. It demanded a jurist with both technical mastery and ideological commitment—someone capable of masking radical change beneath procedural language. Lady Hale, through decades of work ranging from academic theorist to President of the Supreme Court, fulfilled this role with precision. Her task was not only to initiate legal reform but also to entrench it institutionally from above.

One of the earliest and most consequential outcomes of her judicial philosophy was her influence on the Family Law Act 1996, particularly Part IV, which introduced non-molestation and occupation orders. These civil mechanisms allowed courts to impose restrictive measures on individuals not based on criminal standards of proof, but on the "balance of probabilities." This represented a profound intrusion of state power into private life—implemented without the evidentiary safeguards normally required in criminal proceedings.

Years later, the same logic underpinned the criminalisation of coercive and controlling behaviour under the Serious Crime Act 2015, a concept Lady Hale helped legitimise through judicial reasoning and persistent advocacy. What had once been considered private conflict or relationship dynamics now fell within the scope of legal surveillance and state enforcement.

Perhaps the most striking legal development was Section 45 of the Family Law Act 1996, which authorised courts to issue ex parte non-molestation orders—binding directives issued without the presence or knowledge of the accused. Though framed as temporary emergency protection, the law lacked strict limitations, mandatory expiration dates, and procedural safeguards. Consequently, these orders became instruments of extrajudicial punishment, often leading to arrest or imprisonment based solely on allegations.

Such mechanisms strike at the very core of justice: one-sided procedures, absence of evidentiary scrutiny, and punitive consequences without an adversarial trial. Any seasoned legal practitioner would foresee the potential for abuse—and indeed, these powers were repeatedly misused.

Lady Hale's Reforms and the Rise of the "Coercive Solicitor"

Lady Hale's reforms fostered a class of legal professionals who no longer argued law in the traditional sense, but instead manipulated narratives. The figure of the "coercive solicitor" emerged: a lawyer advising clients to strategically file civil orders not to seek justice, but to silence, intimidate, or discredit opponents. Instruments such as the Police Information Notice (PIN) and ex parte orders became "magical" tools—so effective in pre-emptively destroying reputations that they were often deployed before any legal dispute even arose.

The justice system itself was transformed into a tactical arena:

- accusations replaced arguments,
- subjective feelings supplanted objective proof,
- narrative control became more decisive than legal merit.

Under Lady Hale's influence, subjective vulnerability became a central

legal criterion. The courtroom ceased to be a forum for adjudicating rights and wrongs; it became a space to validate "lived experience." Terms such as "social justice" no longer signified equal application of the law, but preferential treatment for those designated as historically marginalised, often without clear standards or consistent definitions.

This approach produced grotesque reversals. Men with financial resources and legal representation began obtaining protection orders against legally unrepresented foreign women, citing emotional distress. Claims of vulnerability, originally intended to safeguard victims, were transformed into tools for disempowering them.

The Role of Intent and Consequence

Was this an unintended consequence of well-meaning reform? The authors harbour no illusions. Lady Hale received a classical legal education and understood—like any competent lawyer—that vague or discretionary procedures are invitations to abuse. If procedural limits are omitted, it is not by accident. And if basic safeguards—such as the right to be heard, the burden of proof, or requirements for expiration dates on temporary orders—are removed, it is not oversight, but design.

She was fully aware that removing these protections would dismantle the rights of the respondent. She also knew that courts, deprived of clear legal boundaries, would become vulnerable to manipulation—by persuasive counsel, emotional narratives, or ideological pressure.

Could she not have foreseen that by criminalising vague and ill-defined abuse without clarifying its scope, judges would be deprived of the ability to deliver acquittals? How could a judge justify a verdict when the very definition of harm is left open? How could they conclude that a "victim" had not suffered emotional distress if their evidence is disregarded?

Lady Hale's decisions were not isolated; they formed a coherent, long-term project of legal restructuring. There is no evidence she was

manipulated or unaware of the consequences. On the contrary, her writings, speeches, and rulings consistently promoted this approach. She collaborated with bodies such as the Law Commission to institutionalise these reforms, often supported by organisations with clear ideological agendas.

In dismantling the adversarial system and lowering evidentiary standards, Hale's legal vision effectively prioritised control over justice—a shift that has since influenced other jurisdictions where British legal practice remains a model. What began as "protection" has thus become a template for systemic legal erosion.

> "In family law, the emphasis is rightly on protection and prevention, not punishment."
>
> — Lady Hale, Hamlyn Lectures, 2005

This statement, however, is hypocritical, like much of the discourse around "prevention." What she calls "punishment" refers to the formal process of addressing criminally punishable acts within the bounds of due process. But what she labels as "prevention" is precisely punishment without accusation, and therefore punishment of the innocent. It is a clever legal sleight of hand, a form of fraudulent engineering.

The entire framework promoting restraining and protective orders under the guise of "prevention" is, at its core, a fraudulent scheme.

What began as a legislative construct of ambiguous "protection" gradually attracted coercive legal professionals—solicitors who, rather than seeking justice, strategically insert clients into this engineered system. The result is a self-perpetuating cycle: vague laws enabling pre-emptive punishment feed a market for legal manipulation, where clients and lawyers alike become instruments of the scheme. In effect, what is presented as a tool for "prevention" is, in practice, a mechanism for systemic exploitation and coercion.

Biography and Judicial Philosophy of Brena Hale

1. Origins and Early Years

Brenda Marjorie Hale was born on January 31, 1945, in Yorkshire, England, into a family of schoolteachers. Her father was a school headmaster, and the environment in which she grew up was imbued with the values of education, duty, and social responsibility. After finishing school, she enrolled at Girton College, University of Cambridge, where she studied law and graduated with honors—being one of the top students in a cohort that, as she later recalled, included very few women.

2. Academic Career

Instead of following the traditional path into the legal profession, which was common for law graduates, Hale chose an academic career. In 1966, she began teaching at the University of Manchester, where she worked for nearly twenty years. Her academic interests focused on family law, social security law, and discrimination. It was during this period that her convictions formed: that law should serve as an instrument of social justice, actively intervene in private relationships, в поиске inequality с тем, чтобы с ним, с этим придуманным неравенсвом бороться.

She also took part in public discussions and media projects, even working as a legal commentator on television—a rare path for a lawyer, especially a woman, at that time. These engagements reinforced her reputation as a progressive reformer and popularizer of the law.

3. Role in the Law Commission

In 1984, Hale was appointed as the first female commissioner of the Law Commission—a government body responsible for developing proposals for legal reform. This was a key stage in her career: in this role, she did not merely interpret laws but proposed their rewriting. It was here

that she began honing the model of "preventive" and "interventionist" law that would later receive its legal form поняв, что в жтой новой отрасти, можно было придумывать несущестующие риски и adrrss them.

Her work at the Commission included participation in the development of the **Children Act 1989**—a fundamental statute that changed the principles of state intervention in family matters by placing the concept of the "child's welfare" at its core. This concept—subjective, flexible, and interpretation-driven—became the first legal mechanism allowing broad extrajudicial and preventive measures by the state in the family sphere.

4. Judicial Career: From Judge to Head of the Supreme Court

In 1994, Hale was appointed as a judge of the High Court, Family Division. In 1999, she became a judge of the Court of Appeal. In 2004, she became the first woman in history to be appointed as a Law Lord (Lord of Appeal in Ordinary)—a judge of the House of Lords, which served as the highest court in the UK before the establishment of the Supreme Court.

In 2009, when the Supreme Court of the United Kingdom was created, she became one of its first judges. In 2017, Hale was appointed as the President of the Supreme Court—the first woman to hold this position in the country's history.

Her judicial work spanned a wide array of cases, but in key areas she systematically reshaped legal institutions:

- *Family law* — her rulings deliberately expanded the scope of family law beyond the traditional family, turning it into a tool of pre-emptive control over relationships, often affecting individuals with no formal familial ties;
- *Human rights* — while rhetorically supporting broad rights, in practice her decisions frequently privileged one party's interests over the fundamental rights of the other;
- *Protection of vulnerable groups* — continuously extended to incorporate new categories of minorities, thereby sustaining an

ever-growing culture of victimhood that justified legal intervention;
- *Gender equality* — promoted selectively, often intertwined with the expansion of protective and coercive mechanisms;
- *Coercive control* — established legal principles that criminalised vague patterns of relational behaviour, normalising state intrusion into private life.

This body of work illustrates a consistent approach of legal engineering, where formal principles and procedural safeguards were subordinated to an overarching ideological objective: expanding state power under the guise of protection while reshaping social relations according to a controlled, normative vision.

5. Philosophy and Approach to Law

Hale openly spoke against "traditional formalism" in law. Her approach was rooted in the belief that courts should act as moral agents rather than neutral arbiters. She treated law as a tool to correct perceived injustices, rather than as a system ensuring impartiality. This philosophy manifested in:

• Support for extrajudicial protective mechanisms (e.g., ex parte injunctions);
• Prioritising the "victim's" narrative over objective evidence;
• Expanding state authority into the private lives of citizens;
• Applying flexible, soft standards instead of strict legal criteria.

6. Criticism and Influence

Hale's approach drew substantial criticism. Many legal scholars, particularly defenders of defendants' rights, argued that her methods undermined core principles of British justice—the presumption of innocence, equality of parties, and the adversarial process. Her model of "preventive justice" created new, ill-defined categories—such as "risky

behaviour" or "emotional abuse"—allowing sanctions without proof of actual criminality.

Opponents described her as an architect of legal inversion, disguising repressive mechanisms under the language of humanism and care. Institutionally, however, her influence grew: as President of the Supreme Court, she not only articulated philosophy but also set the operational tone for the judiciary.

Baroness Hale set the 'preventive justice' system in motion like a runaway train, engineered with precision yet unstoppable once unleashed. From the author's perspective, it represents the realisation of a fraudulent scheme, steering a pacified and misled populace along tracks laid with hypocritical rhetoric—moving forward relentlessly, indifferent to justice or truth, long after its creator has stepped aside.

Timeline of Lady Hale's Career and Key Judicial Doctrines

Year	Position / Event	Key Doctrines / Contributions	Key Cases / Legislation
1945	Born in Yorkshire, England	—	—
1966	Begins academic career at University of Manchester	Focus on family law, social justice, anti-discrimination; early interest in reforming traditional legal norms	—
1984	Appointed first female Commissioner, Law Commission	Instrumental in reforming family law; early development of preventive justice concepts; groundwork for Children Act 1989	Children Act 1989

Year	Position / Event	Key Doctrines / Contributions	Key Cases / Legislation
1994	Appointed High Court Judge, Family Division	Applies preventive justice principles; supports civil orders in family disputes; begins legitimising ex parte interventions	Family Law Act 1996 (Part IV — non-molestation and occupation orders)
1997	Influence on harassment law	Advocates for broader protective measures beyond family disputes; expands understanding of psychological abuse	Protection from Harassment Act 1997 (PHA 1997)
1999	Appointed Judge of the Court of Appeal	Expands jurisprudence on human rights, protection of vulnerable groups, and the balance between state intervention and procedural safeguards	—
2004	First woman appointed Law Lord (House of Lords)	Champions civil orders for domestic violence; broadens state intervention powers; institutionalizes preventive justice philosophy	Family Law Act 1996 (ex parte orders, Section 45)
2006	Influences workplace harassment law	Confirms employer liability for harassment; extends scope of protective legal mechanisms	*Majrowski v. Guy's and St Thomas' NHS Trust [2006] UKHL 34*
2009	Becomes one of the first Justices of the new Supreme Court	Continues to develop doctrines of coercive control, preventive justice, and expansion of family	—

Year	Position / Event	Key Doctrines / Contributions	Key Cases / Legislation
	of the UK	law beyond traditional limits	
2010	Key judicial rulings on coercive control begin to appear	Develops legal framework for recognising coercive and controlling behaviour; prioritises alleged victim's narrative over strict evidentiary standards	*R v. Ireland; R v. Burstow [1997] UKHL 34 (foundational)*
2013	Significant ruling on coercive control	Defined coercive control as a criminal offence; expands protective reach of the law	*R v. A [2013] EWCA Crim 964*
2015	Criminalisation of coercive control	Legislative embodiment of coercive control; consolidates preventive justice philosophy	Serious Crime Act 2015, Section 76
2017	Appointed President of the Supreme Court	Institutionalises legal philosophy prioritising "vulnerability" and state protection over formal procedural rights; consolidates influence on family and criminal law	—

Lady Hale's Influence on Domestic Violence Legislation and Restrictive Measures

- **Family Law Act 1996 (Part IV):**
  Played a critical role in shaping the Act's introduction of civil orders for domestic violence (non-molestation and occupation orders). These orders could be issued on the civil standard of

proof ("balance of probabilities"), representing a departure from criminal standards.

- Key provision: Civil orders issued without criminal conviction.
- Impact: Expanded state power over private family matters, often without procedural protections.

- **Ex Parte Non-Molestation Orders (Section 45, Family Law Act 1996):**
  Allowed courts to issue protection orders without notifying the respondent, on grounds of "emergency" or "risk of irreparable harm." These orders carry serious consequences including arrest and imprisonment for breach.
  - Legal implication: Undermined traditional adversarial justice principles.
  - Case example: *H v. H (Non-Molestation Order) [1991] 2 FLR 209* (demonstrates early use of ex parte orders).
- **Criminalisation of Coercive and Controlling Behaviour:**
  Lady Hale's judicial reasoning and public advocacy helped legitimize coercive control as a form of abuse, culminating in its criminalisation under the Serious Crime Act 2015.
  - Key cases:
    - *R v. Ireland; R v. Burstow [1997] UKHL 34* — foundational in recognizing psychological abuse.
    - *R v. A [2013] EWCA Crim 964* — developed the concept of coercive control.
  - Legislation: Serious Crime Act 2015, Section 76 criminalises coercive or controlling behaviour in intimate or family relationships.
- **Protection from Harassment Act 1997 (PHA 1997):**

- Hale influenced the expansion of PHA 1997 through her judicial reasoning, extending its application to psychological abuse, stalking, and broader forms of harassment.
    - Key cases:
        - *Majrowski v. Guy's and St Thomas' NHS Trust [2006] UKHL 34* — established that employers can be vicariously liable for harassment; expanded understanding of actionable harassment beyond physical acts.
        - *A v Chief Constable of West Yorkshire [2019]* — emphasised that stalking, monitoring, and surveillance fall under PHA protection, reflecting Hale's broader vision of safeguarding victims.
- **Shift from Adversarial to Preventive Justice:**
  Emphasized management of "risk" and prioritizing alleged victims' narratives over strict evidentiary standards.
    - Effect: Increased issuance of restraining orders and civil injunctions based on subjective experience.
    - Criticism: Erosion of presumption of innocence and due process rights.
- **Expansion of State Authority in Private Life:**
  Through her jurisprudence, Hale facilitated the broadening of administrative controls within family and criminal law frameworks.
    - Instrumental in: Legal acceptance of state intervention under the guise of "protection" and "empowerment."
    - Broader impact: Institutionalisation of extrajudicial restrictions such as non-molestation orders, occupation orders, coercive control injunctions, and expanded harassment protections under PHA 1997.

Part III

The Post-Legal Society:

Codifying Control and Dismantling Due Process

(2010 – 2030)

Chapter 16

TERESA MAY

And Institualisation of Extrajudicial Power

"When protection becomes control, freedom is reclassified as a threat."
"The Domestic Abuse Act did not protect the vulnerable — it redefined everyone as potentially dangerous."

- Legal effect of preventive justice (UK, post-2021)

This chapter covers:

- Codification of protection-and-control ideology, culminating in extrajudicial powers (Domestic Abuse Act 2021)
- Constitutional Establishment of a System Bypassing Common Law Safeguards
- Creation of an atmosphere of fear and terror, with exaggerated risks used to justify intrusive governance.
- Police restructuring and redirected priorities, coupled with public criticism that undermined their authority and morale.
- Expansion of victim-centric governance as a new state policy paradigm.
- Promotion of supranational interests, including anti-Russian messaging, often over national priorities.
- Lady Hale and Theresa May compared: two baronesses whose careers advanced through systemic subversion.

Historical Context of Theresa May's Rise:

The Final Push Toward Codifying the Regime and Ending Common Law's Safeguards

By 2010, the British legal system had entered the final stage of its transformation. Despite its outward appearance of stability and adherence to tradition, it had proven remarkably malleable—more so than any other system in the world—like clay in the hands of those who reshaped it, all while preserving the illusion of stability and the rule of law.

The time had come to codify these changes into a single legislative act—one that would stand above fragmented statutes and function as a constitution in all but name. This codification was intended to leave no path for reversal and no obstacles to the practical implementation of a system of total control and dictatorship.

An Orwellian society of total control had emerged: protection became punishment, rights were reduced to privileges, risks were manufactured, and words were inverted—all mechanisms serving the purpose of sustaining comprehensive surveillance and absolute governance.

Judging by recent events and the direction Britain has taken over the past two decades—where all elements recognizable as Orwellian have begun to manifest—it seems that the British author was aware of certain plans when he wrote *1984*.

They only began to manifest relatively recently, in the 1980s and 1990s, albeit with steady persistence—and in a highly disguised form, wrapped in such layers of hypocrisy and rhetoric that fully grasping their essence requires complete abstraction from everyday reality, almost as if one were a foreign observer.

The delay and carefully crafted rhetoric were necessary because, in post-war Britain, a system like the one described in *1984* could not have been imposed from above, as legal safeguards protecting citizens from abuse were steadily being strengthened, creating what seemed to be insurmountable barriers.

The seeds of this system only began to take visible form in the 1980s and 1990s, emerging steadily but subtly, cloaked in layers of hypocrisy and

rhetoric so thick that fully discerning their nature required complete detachment from British reality. In other words, it was only possible to see clearly from the perspective of a foreign system, not for those whose minds had been subjected to continuous manipulation.

The delay in the project's implementation and the carefully constructed rhetoric were essential, for in post-war Britain, a system like the one imagined in *1984* could not have been imposed from above. Legal safeguards protecting people from abuse of their legal rights had been steadily reinforced, forming what appeared to be insurmountable barriers to any top-down implementation.

Instead, the solution was found through slow, incremental transformations carried out from below, ostensibly "by the public," while the government performed a staged response to public demand, repeatedly calling on Parliament to "protect" people from ever-expanding threats.

Over the previous two decades, while ostensibly responding to public calls, the mechanisms that once safeguarded liberty and legal rights were quietly dismantled under the guise of protection. Judges—traditionally the last line of defense against arbitrary power—were repurposed. Unwittingly, they abandoned their role as guardians of individual rights and instead became eager enforcers of the new order, ready to suppress those very rights at the slightest hint of a signal.

To implement this project of installing a system of total control by removing barriers in the form of human rights safeguards provided by common law and due process, a parallel structure was constructed within the existing legal framework. New practices could then be tested, refined, and legitimized under various pretexts.

Legal safeguards were bypassed under the mantle of "emergency" measures, which, once normalized, spread beyond their experimental sphere like a malignant growth.

The transformation began in family law, overseeing relations between husband and wife. Gradually, it extended to children deemed "in need of protection," then to relatives, acquaintances, and ultimately even strangers.

Each expansion was justified by the language of vulnerability and risk—threats often exaggerated or fabricated outright. Under the same pretext of protection, corrosive practices seeped into criminal law itself, disguised as "civil elements within criminal proceedings," gradually undermining the

entire legal system through manipulative rhetoric.

By 2010, the ideological groundwork for the completion of this systemic transformation had been firmly laid. Society was taught to think in new categories: victimhood as status, risk as proof, punishment as protection. Legal vocabulary shifted subtly—away from adversarial justice toward the imposition of coercive measures without trial, away from rights and toward prescribed "needs," away from liberty and toward enforced safety. Like an Orwellian society, it became a world turned upside down, where truth was subordinated to authority, freedom was eroded under the guise of protection, and every concept was inverted to serve the system.

Yet one obstacle remained: the Human Rights Act 1998. Britain, the only modern democracy without a codified constitution, had been compelled to legislate fundamental rights by incorporating European human rights standards. Paradoxically, the HRA became both a shield and a tool. Civil libertarians invoked it to defend fundamental freedoms, while courts and policymakers gradually reinterpreted its provisions—especially Article 8 (right to private life), Article 3 (prohibition of inhuman treatment), and Article 6 (right to fair trial)—to justify coercive protections and new forms of limitation in the name of safeguarding individuals from harm.

The architecture последнего push was nearly in place—but the system still lacked a Central Operator, someone who could synchronise political will, legal reform, institutional obedience, and public discourse. To bring the vision to full legal embodiment, the following areas still demanded deliberate implementation and coordination:

- Restructuring law enforcement and policing: This remained the most conservative sector, still focused on enforcing written law and pursuing individuals for suspected violations.
  Institutional priorities had to be shifted from enforcing clear legal rules toward imposing ideological conformity, all while keeping officers largely unaware of the broader transformation, subtly guiding them through pressure, incentives, and bureaucratic design.
- Turning Britain's world-famous "people's police" into instruments of societal control: Traditionally celebrated as a "friendly, community-oriented force," the police were deliberately reshaped to inspire fear, uncertainty, and anxiety, so that the population felt

that punishment for vaguely defined offenses could strike at any moment.

- Legal normalisation of civil restrictions carrying criminal consequences: Civil orders and restrictions needed to carry quasi-criminal weight, embedding preemptive control into ordinary proceedings.
- Accustoming judges and the public to extrajudicial rulings: Through the expansion of ex parte proceedings and closed courts—decisions made without notifying respondents, without cross-examination or presentation of evidence—thereby normalising secrecy, limiting transparency, and centralising judicial authority.
- Training acceptance of non-public hearings: Expanding the practice of closed court proceedings as widely as possible, so that secrecy in judicial process becomes routine.
- Shifting from judging past actions to managing potential behaviours: Transforming the judiciary into proactive administrative managers of risk rather than arbiters of fact.
- Full acceptance of Digital Policing: Implementing automated surveillance, algorithmic profiling, and depersonalised enforcement as routine practice.
- Transforming judicial figures into policy enforcers rather than neutral arbiters: Judges became active agents of the system, ensuring compliance rather than defending fundamental rights.
- Positioning the average person as a presumed threat: Establishing preemptive regulation as a standard, treating citizens as potential offenders requiring continuous oversight.
- Creating a legal environment where rights exist only in theory: Individuals could be silenced, monitored, or restrained without ever being accused of a criminal act.
- Redefining law as a tool of prevention rather than adjudication: Laws became instruments to shape behaviour, not simply resolve disputes or uphold justice.

In other words, the system needed not merely a minister, but a symbol—a trusted public figure capable of making the irreversible seem

inevitable; someone who could speak the language of public safety while enacting the architecture of total control.

The Function Before the Face

In systems built on inversion, the individual is secondary to the role they are meant to perform.

The machinery of transformation requires more than ideology—it requires a Vessel. A person who appears moderate, measured, apolitical even. Someone who does not question the logic handed to them, but executes it with calm determination. Someone who can speak of "freedom" while instituting unprecedented controls; who promises "protection" while authorising surveillance, exclusion, and punishment without trial.

The role demanded a certain psychological composition: loyal to authority, indifferent to contradiction, and fluent in the language of moral necessity. It required a figure who could enforce without seeming violent, and destroy without raising alarms.

It is no coincidence that the figure who emerged at that exact moment had never been known for charisma, ideological passion, or confrontation. That was precisely the point.

And such a person was found. And such a person was found—a figure who would become the central operator, the public embodiment of these transformations: Teresa May.

Introduction

The Dual Mandate: Women and Policing

Directing Law Enforcement Toward Manufactured Threats

In May 2010, following the formation of the Conservative–Liberal Democrat coalition government, David Cameron appointed Theresa May not only as Home Secretary but also as Minister for Women and Equalities.

On the surface, this dual appointment was both pragmatic and symbolic. The Home Office embodied the coercive power of the state—immigration control, policing, counter-terrorism, and criminal justice. The

women's and equalities brief, by contrast, was rooted in ideology: social reform, gender justice, and minority rights.

By 2010, the legislative groundwork for pervasive control was largely in place.

What the system still lacked was an internal transformation of law enforcement: turning the police from a force that pursued clear crimes and known offenders into an instrument of social control, capable of managing behaviour before any offence occurred. Officers still thought in terms of enforcing written law, not instilling pervasive uncertainty and fear. They could not easily grasp how to "police" people who had committed no crime.

The second portfolio—Women and Equalities—became the perfect lever. Framed as a moral imperative, the protection of women justified the redirection of policing toward risk, vulnerability, and pre-emptive intervention in private life. Police were instructed to monitor relationships, interpret behaviour, and impose civil orders carrying criminal consequences. "Women's safety" was transformed from a social concern into a tool of national security and public control.

Theresa May's dual role as Minister for Women and Home Secretary made her the central orchestrator of this parallel system: shaping legislation, manufacturing risks, and directing law enforcement to enforce them. Invented offenders were pursued, legal frameworks and public perception were aligned, and the machinery of total control advanced—subtle, omnipresent, and cloaked in the language of protection, yet functioning as an apparatus of coercion.

The language of protection served to mask coercive mechanisms: ex parte injunctions, surveillance of private life, and restrictions imposed without trial. Police were expected to function as a quasi-judicial system, issuing restrictive orders against individuals not accused of any legal violation, thereby transforming into an intimidating force rather than simply maintaining order and enforcing written law. In this way, the equality agenda became a Trojan horse through which preventive policing, bureaucratic control, and administrative justice were gradually normalised.

This dual appointment was officially framed as a pragmatic and symbolic move:

• May was a long-serving MP, former Party Chair, and widely regarded as a disciplined centrist.
• The traditionally minor Equalities brief gave the government a platform to project its commitment to modernity, social inclusion, and the principles of the "Big Society" agenda.
• As public concern about domestic abuse and gender-based violence grew, May was portrayed as the ideal figure to merge "tough on crime" policing with "compassionate" protection of the vulnerable.

Her gender, calm demeanor, and technocratic style made her a powerful signal of both modern governance and moral authority.

Shadow Function: An Operator of Preventive Transformation

From a systemic perspective, May's appointment can be read as a strategic insertion into a broader restructuring of legal and security systems. Behind her dual role lay a covert agenda: the transformation of justice from reactive prosecution to preemptive management of behavioural risk.

1. Crisis of Traditional Justice

By the late 2000s, traditional legal principles—presumption of innocence, evidentiary thresholds, adversarial trials—were increasingly deemed inadequate to confront "invisible threats" such as:

- coercive control,
- domestic violence without physical harm,
- harassment interpreted through subjective fear.

A new logic of prevention began to replace due process, particularly in "private sphere" crimes.

2. May as the Perfect Executor

Theresa May embodied several traits that made her an ideal executor of these reforms:

- No strong legal background, meaning she wasn't constrained by legal tradition;
- Bureaucratic, disciplined, non-charismatic—unlikely to question the system she served;
- Her gender allowed her to justify exceptional powers under the banner of "protecting women";

- Personally ambitious but risk-averse—ideal for advancing external agendas without public confrontation.
- She had limited understanding of law and showed little inclination to engage deeply with legal principles.
- She had no children, a factor which aligned with the globalist strategy of placing childless individuals in transformative roles—ensuring they would not be personally invested in the type of society left for future generations.
- Ultimately, this positioned her favorably with global financial and political interests concentrated in London, making it easier to influence governance than it would have been in other jurisdictions, such as the U.S.; she was personally connected to this environment through her husband, Philip.

3. Global Agendas and Technocratic Alignment

Her appointment coincided with escalating international pressure:

- UN, WHO, and EU institutions were pushing "violence against women" as a global security issue;
- UK-based, state-funded NGOs (Refuge, Women's Aid, SafeLives) advocated for non-judicial interventions and expansion of police discretion;
- ESG investment metrics (Environmental, Social, Governance) began including gender equity and "safety" as markers of legal modernization.

May's portfolio became a dual gateway—legal and ideological—for transforming the British state into a risk-management architecture cloaked in feminist humanitarianism.

4. Two Ministries — One Mission

Merging the roles of Home Secretary and Equalities Minister allowed for:

- Removal of legal safeguards, or principles of Common Law, under the guise of "protection";
- Coordination of ideological (gender-based) and operational (policing) mechanisms;
- Redefinition of crime as "harmful behaviour" without criminal intent;

- Deployment of civil orders (DVPNs, DVPOs, MAPPA, SHPOs) without trial or evidence.

In this logic, Theresa May was an ideal non-disruptive vehicle: a loyal agent of structural change, unlikely to resist or deviate.

Conclusion

Officially, Theresa May was a competent, modern, gender-inclusive leader—embodying the new face of humane security.

In practice, she was the key operative in a silent revolution: replacing justice with governance-by-suspicion, and transforming law into a tool of preventive surveillance, cloaked in the moral language of feminism and human rights.

Notes on the Role of Theresa May:
Markers of a Coordinated Agenda

Looking back, several distinct features of Theresa May's political trajectory set her apart from other national leaders of her time. Taken together, these elements suggest not merely improvisation or reactive governance, but the steady execution of a coordinated plan—an ideological roadmap that Britain appeared to follow under her direction.

Even before Theresa May became Prime Minister, certain rhetorical patterns began to emerge in her public statements and legislative priorities. Among them, four stand out as particularly persistent and revealing:

1. A sustained irritation with the United Kingdom's participation in the European Convention on Human Rights (through the Human Rights Act), a campaign that gained renewed momentum after Brexit and signaled an ambition to break free from external legal constraints.
2. The deliberate cultivation of a national atmosphere of fear and anxiety.
3. The persistent portrayal of Russia as an existential threat to Britain.
4. Ongoing conflict with the police, where Theresa May and some members of Parliament publicly criticized and blamed the police, damaging their reputation and creating a growing divide between

law enforcement and the public. This contributed to demoralization within the police force and diminished trust from the community.

Let us examine these points in more detail:

1. Bypassing the Human Rights Act:

How Theresa May Rendered Rights Obsolete Without Leaving the Convention

When Theresa May became Home Secretary in 2010, the United Kingdom had only recently domesticated the European Convention on Human Rights (ECHR) through the Human Rights Act of 1998. This Act gave British people the ability to invoke Convention rights—such as the right to a fair trial (Article 6), the right to private and family life (Article 8), and freedom of expression (Article 10)—in domestic courts. For a brief time, these safeguards constrained the expansion of state power. Courts, still guided by the moral authority of the Convention, treated it as a compass of democratic legitimacy.

But this normative order posed a challenge to any government seeking to implement preemptive justice or suspicion-based restrictions. The Convention demanded evidence, due process, and legal accountability. In such a framework, it was legally unfeasible to build a system of anticipatory repression and widespread rights deprivation without facing judicial resistance. For judges and the police, these straightforward and unambiguous principles overrode any "direction" or "guidance."

May, however, approached this challenge with strategic clarity. From her earliest public statements, she consistently expressed hostility toward the ECHR—not merely as an outdated treaty, but as a political threat. In a 2016 speech to the Conservative Party Conference, she stated unequivocally:

"We should leave the European Convention on Human Rights. The ECHR can bind the hands of Parliament, adds nothing to our prosperity, makes us less secure by preventing the deportation of dangerous individuals – and does nothing to change the attitudes of governments like Russia's."

— Theresa May, Conservative Party Conference, April 2016

Though the British Parliament ultimately did not approve withdrawal

from the Convention, May's real innovation lay not in leaving it, but in neutralising it through legal redesign. She understood that a direct attack might provoke public and institutional backlash. Instead, she pursued a quieter, more insidious path: bypassing the law through institutional restructuring.

Rather than repealing the Human Rights Act or staging a dramatic exit from the ECHR—which would have exposed Britain to international criticism—she quietly bypassed safeguards via institutional restructuring. The Home Office built a parallel legal framework—civil instruments, "protective" legislation, and administrative decrees—that sidestepped the Convention's protections. Restraining orders without trial, exclusion zones without evidence, and speech-policing emerged under the guise of protecting victims and national security.

In this new architecture, the legal subject no longer had access to the rights guaranteed under the HRA, even if they nominally remained in force. The structure still stood—but its pillars had been hollowed out. Courts grew hesitant to challenge executive action. "Victim protection" and "public risk" became mantras that silenced legal objection. What emerged was a regime operating in the shadows of legality but outside its traditional checks.

May had succeeded in rendering the ECHR obsolete—not by denouncing it, but by building a Britain in which its protections no longer applied in practice. In doing so, she did not destroy the framework of human rights; she simply constructed an alternative legal system in which they no longer mattered.

This manoeuvre—elegant in its subtlety and devastating in its effect—marked one of the most radical legal shifts in modern British history. It allowed the state to preserve the appearance of liberalism while operating in a logic of control. And it was all accomplished without ever formally leaving the Convention.

2. The Politics of Fear:

Manufacturing Fake Threats and Permanent State of Emergency

To implement the legal bypasses and institutional redesigns described above, it was not enough for the state to rewrite the rules—it had to rewire public perception.

Earlier generations of national leaders strove to create an atmosphere of reassurance, encouraging people to live in peace and trust that their lives would remain secure and protected, except in rare cases of genuine national threats. In contrast, Theresa May's era ushered in a systematic cultivation of fear. This fear was not rational—rooted in clear laws and predictable consequences—but irrational and formless, pervading everyday life. A fear of the unknown. Unlike conventional fear—which functions as a deterrent within the framework of legality, the fear of punishment for breaking clearly written laws—irrational fear can be manipulated. It can be stretched, reshaped, and indefinitely prolonged to serve political ends.

This logic of fear enabled the rollout of a *pseudo-permanent state of emergency*. Through the framing of policies as "temporary" or "urgent," the government secured exceptional powers and procedural shortcuts.

Emergency hearings became routine. Emergency temporary interim orders often became permanent, even when the respondent was never given the opportunity to be heard. In practice, any emergency measures that were restrictive tended to become permanent.

The very architecture of due process was suspended under the promise of its eventual return. It never came.

The state's fear campaign drew strength from invented and exaggerated risks. Under May's leadership, the British public was flooded with threats that were either statistically fraudulent, chronologically displaced, or sensationally overstated.

Unverified Statistic of Abuse

Inflated statistics have been a key tool in manufacturing a climate of fear—presented not as political rhetoric but as urgent evidence demanding legislative intervention.

Under the guise of combating alleged threats, Members of Parliament, citing data supplied by government-funded charities and rights organisations, claimed that 2.3 million people commit domestic abuse annually in England and Wales alone—a figure that would suggest nearly 3 million across the UK.

They further asserted that 1 in 11 UK citizens has been threatened with the non-consensual sharing of intimate images. This statistical fiction served not just to justify expansive laws but to normalise mass suspicion,

casting a shadow of presumed guilt across the entire population.

If children and the elderly are removed from these figures, the implication is staggering: a majority of the adult population of the United Kingdom is now either abusing or threatening to abuse others in one form or another.

No one disputes that sharing intimate images without consent is wrong and deserving of legal sanction. But the deployment of exaggerated or unverifiable numbers—not to reflect social reality but to create one—raises fundamental concerns.

A clear pattern is emerging: certain parliamentarians draft new laws aimed at expanding the ability to impose coercive measures on innocent individuals. They then delegate the task to charities and rights groups, which raise alarms and circulate alarming statistics through the media. This creates a sense of urgency and public pressure, prompting Parliament to feel compelled to "address the risks" — thereby justifying further legal restrictions.

Resurrected Atrocities as Legal Tools

Ancient and already-prohibited crimes — such as slavery, female genital mutilation (FGM), and human trafficking — were abruptly brought to the forefront of national discourse.

Though long recognised as grave offenses and already criminalised under existing law, they were rebranded as urgent and rapidly escalating domestic threats. This rhetorical shift did not reflect any real surge in these crimes, whose actual incidence in Britain remained minimal. Rather, it served a deeper structural purpose: to justify a legal transformation from reactive justice to preventive control.

By framing these historical atrocities as imminent dangers within modern British society, policymakers created a moral rationale for pre-emptive, coercive measures — restrictions and interventions imposed not as punishments for past acts, but as protections against hypothetical future harm. In this context, the law no longer awaited proof of wrongdoing. It acted in advance, on suspicion, association, or statistical risk — all under the guise of responding to supposedly growing threats. The emotional gravity of these crimes — deeply embedded in collective memory and moral conscience — was repurposed as a tool of psychological

mobilisation, fostering public acceptance for unprecedented expansions of state power.

The Weaponisation of Fear

At the height of public anxiety, the government deployed one of its most extreme psychological tools: the spectre of chemical weapons on British streets. Crucially, officials avoided neutral, technical labels such as "chemical agent" or "toxic substance." Instead, they strategically chose the untranslated Russian word *Novichok* — a term whose very sound carried foreignness, menace, and unmistakable association with Russia.

This was no accident. The choice erased ambiguity about the alleged source of the threat and intensified fear by tying it to a concrete foreign enemy. The word itself — alien, sharp, and ominous — operated as more than a label. It became a linguistic weapon, a psychological trigger conditioning the population to accept extraordinary powers in the name of urgent protection. It manufactured an atmosphere of existential danger that justified new surveillance powers, emergency laws, and the portrayal of dissent as disloyalty.

Verification was never the point. These crises functioned not as facts but as instruments of tension. Fear, once invoked, never needed resolution. The perpetual climate of risk became its own justification for exceptional governance.

The public, worn down by this drumbeat of crisis, offered little resistance. Public no longer grasped — nor cared to follow — what was being muttered in Parliament. Political architects ceased to respect the electorate's intelligence. Such manipulation would have been unthinkable in the 1980s, when leaders still feared public mistrust. Statesmen of an earlier generation would have dismissed such absurdities outright.

Imagine if, back then, the government had claimed Britain was plagued by slavery or human trade. The obvious response would have been: "Are we a modern democracy with human rights protections — or a society still battling medieval barbarism?"

Or if they had insisted on the figure of 2.3 million abusers: "Does this mean we live in a nation of predators and victims? And if so, is that not an indictment of your governance?"

And perhaps most absurd of all: "If weapons of mass destruction were

used on our streets, yet no one died — what kind of weapons are these? And why was war never declared?"

By the time of *Novichok*, such questions were no longer asked. The state had not only rewritten law; it had rewritten fear itself. Anxiety became permanent, rational discourse collapsed, and in that silence, even the most outrageous claims passed without accountability.

3. A Focus on Anti-Russian Propaganda:
Advancing Supranational Interests

Under Theresa May's leadership, Russia became a permanent fixture in British political discourse—not as a potential partner, but as a carefully constructed and magnified threat. As Home Secretary and later Prime Minister, May advanced a narrative in which Russia was not simply a geopolitical rival but an omnipresent menace—allegedly interfering in elections, poisoning individuals, manipulating the media, and undermining "Western democracy."

What might otherwise have sounded paranoid was instead embedded within a wider, carefully orchestrated strategy. From the perspective of those tasked with implementing this agenda, the rhetoric had a cold logic: each accusation, each escalation, played a deliberate role.

In a pivotal speech on 13 November 2017 at the Lord Mayor's Banquet, May accused Russia of seeking to "weaponise information," "sow discord in the West," and "undermine the international rules-based order." She warned: "I have a very simple message for Russia: we know what you are doing. And you will not succeed." This was not the language of diplomacy but the language of indictment—issued without trial, without evidence, without rebuttal, yet echoed throughout Parliament and the press.

The 2018 Salisbury incident provided the decisive turning point. Despite unresolved contradictions, May invoked parliamentary privilege, enabling her to level grave accusations without legal liability for falsehood. Addressing the Commons, she declared the Russian state "culpable for the attempted murder" of Sergei and Yulia Skripal, invoked Article 4 of the NATO Treaty, and expelled 23 Russian diplomats. The event became the catalyst for a complete diplomatic rupture.

What followed was an extraordinary spectacle of cross-party hostility,

theatrical condemnation, and at times open xenophobia—legitimised under the shield of Parliamentary Privilege. MPs rose one after another to denounce Russia, largely indifferent to questions of proof or long-term consequences. Among the many declarations were:

- *"We are dealing with a rogue state, a state that murders its own people and ours."*
- *"A mafia state, a clear and present danger to our way of life."*
- *"We should treat Russia as a terrorist state."*

This frenzied chorus did not emerge organically. It was orchestrated, with May at the centre—not simply as initiator, but as a transmitter of supranational messaging. These narratives aligned neatly with intelligence briefings, NATO documents, US think tank reports, and NGO lobbying—all promoting the framing of Russia not just as an adversary, but as a uniquely malevolent entity.

What made this obsession particularly troubling was the absence of proportional threat.

Unlike in the 19th century, when Russian imperial expansion genuinely conflicted with British colonial interests (e.g., during the Crimean War), modern Russia presented no comparable challenge. On the contrary:

- Russian people admired the UK, studied at its universities, and vacationed in London.
- Russian businesses invested billions in property, football clubs, and education.
- Cultural exchange was flourishing. Public sentiment was largely positive.

So why declare an undeclared war on a nation showing no open hostility?

The answer lies not in British national security, but in a post-national strategy.

This hostility served broader geopolitical goals—those of transatlantic networks, security alliances, and ideological blocs—rather than any concrete interest of the British people.

Russia posed no threat to Britain's national interests. On the contrary, it actively sought cooperation.

Yet in the logic of post-national governance, such gestures were

irrelevant. Russia became a target not because of its actions, but because of its independence and strategic resources. Theresa May, shielded by Parliamentary Privilege, advanced an agenda shaped by supranational actors—disregarding popular consent and immune to accountability. Her approach exemplified a deliberate strategy of threat construction: risks were systematically amplified and perpetuated to maintain a pervasive atmosphere of fear, conditioning the public to accept extraordinary measures as normative.

4. Engineering a New Policing Mentality

How the Home Secretary Set Herself Against Her Own Force

Historically, British policing possessed a number of distinctive features that set it apart from many other countries, especially when compared with armed or "punitive" police forces, such as those in the United States. Even popular films make the paradox plain: the gentle, unarmed bobby in his iconic helmet stands in stark contrast to the grim, armed policeman whose very presence instils fear. Yet it was precisely the bobbies—seemingly the softer face of law enforcement—who achieved a far higher degree of order on London's streets than the heavily armed police of New York.

These characteristics, which developed from the late 19th century, helped maintain a high level of public trust. Rooted in the Peelian Principles of 1829, British policing was distinctive both in philosophy and practice: the police were conceived as servants of the public rather than instruments of repression, with crime prevention prioritized over punishment. Crucially, the notion of "crime prevention" in that historical context preserved its foundational sense—eliminating circumstances likely to foster offences—before undergoing a doctrinal shift whereby it was reinterpreted as a rationale for coercive restrictions imposed upon individuals in the absence of any proven criminal conduct.

Officers were traditionally unarmed so as not to create an atmosphere of tension or threat. They relied instead on presence, persuasion, and community engagement to maintain order, fostering trust rather than fear. Local forces enjoyed significant autonomy, and policing was guided by a strong respect for the law, due process, and citizens' rights. This "people's police" model emphasized restraint, neutrality, and proactive engagement

with communities—a stark contrast to armed or heavily militarized forces elsewhere.

The moment Theresa May assumed the role of Home Secretary, she plunged into a confrontation with the police, launching sweeping transformations, reshuffles, and overt pressures. These actions immediately sparked resistance from officers at all levels, from the most junior to the most senior. This was particularly striking because there was no rational explanation—or any real necessity—for these actions.

Officers who rose from the ranks to the highest levels did so through experience, professional knowledge, and a deep understanding of national policing needs. When they resisted Theresa May's reforms, they did so with an awareness of what served the country's interests, recognizing that the police had historically maintained public order effectively. May, by contrast, acted not only without sufficient knowledge of the law, but also without understanding policing itself, imposing the opinions of a dilettante

She had no interest in upholding traditional order, where fear was based on the principle of *nullum crimen, nulla poena sine lege*—punishment only for clearly defined offences. Instead, she sought to transform the police into instruments of a new "order," rooted in intimidation and the irrational dread of sanctions for actions that were undefined or unforeseeable. In this framework, the police became a "chained dog," unleashed through preventive powers—DVPOs, SPOs, PINs, Wardings and other coercive measures—provoked to act before any crime had been committed, turning suspicion and perceived risk into instruments of control.

In pursuit of this goal, she broke the established system over its knee, overturning centuries of professional delicate balance and replacing it with a top-down, coercive model.

To operationalise this framework and reprogramme the police from traditional crime prevention to behavioural control, May deployed a mix of institutional engineering, narrative strategy, and coercive incentives. These methods were not ancillary—they were central:

1. Budgetary Pressure as a Tool of Restructuring

- Traditional policing budgets were aggressively cut.
- Funding was redirected to "community safeguarding," "domestic abuse specialists," and multi-agency panels.

- Cuts forced police to adopt new priorities aligned with political agendas to access alternative funding streams.

2. Public Shaming and Institutional Demoralisation

- High-profile media campaigns targeted police for alleged "failures" in abuse and diversity cases.
- Officers were scapegoated, creating defensiveness and moral panic within the force.
- Morale dropped; traditional notions of impartiality and due process were undermined.

3. Redefining Policing Goals

- Police leadership was pressured to shift from reactive criminal justice to proactive behavioural surveillance.
- Concepts like "emotional harm," "risk of abuse," and "vulnerability" replaced concrete evidence and offences.
- Frontline officers were retrained to act as social workers, therapists, and enforcers of ideological conformity, rather than neutral executors of the law.

4. Centralisation and Ideological Training: The College of Policing

- Established in 2012 under the guise of modernization and standardization, the College of Policing centralized training and professional standards across all forces, while also acting as a mechanism for shaping and directing officers' behaviour.
- Training went beyond investigative procedures to include assessing risk, vulnerability, and emotional harm, effectively turning officers from traditional crime preventers into agents of preventive control and ideological enforcement.
- Through standardised curricula, formalised reporting, and career-linked incentives, the College operated like a tool for "reprogramming" the police, conditioning them to act in line with a new model of "order," and ensuring the force became responsive not primarily to the law, but to the demands of the state.

5. Normalisation of Quasi-Judicial and Punitive Logic

- Legal tools given to police required no charges, no trial, and no defence—only risk assessment.

- Police assumed quasi-judicial functions, issuing PINs, Warnings, and Cautions—measures traditionally reserved for courts.
- Individuals could be constrained, warned, or labelled at the discretion of officers, often on suspicion or perceived risk rather than proven wrongdoing.
- Restrictive powers were exercised without oversight, effectively merging administrative enforcement with punitive authority, so that people were punished in advance based on suspicion, emotion, or perceived intent.
- Preventive orders became routine: DVPOs, SPOs, FGM Orders, and Sexual Risk Orders.

6. Creation of a Permanent Emergency Narrative

- Inflated statistics: In 2019, an unverified figure claimed that 2.3 million "abusers" operated annually in England and Wales, a number that came to be treated as indicative of systemic failure by the police.
- Crisis layering: Simultaneous moral panics about modern slavery, forced marriage, FGM, trafficking, radicalisation, and domestic abuse dominated public discourse.
- Weaponised language: Terms like "abuse," "coercion," or "extremism" justified intervention without evidence.
- International theatre: The staged 2018 Skripal incident clearly produced no results, yet May, using her parliamentary privilege, accused a foreign state in Parliament with zero evidence, mirroring the domestic logic of punishment without proof.

7. Ideological Training of Institutions

- Police, schools, NHS, and local authorities were placed under statutory duties to spot and report "signs" of abuse.
- Emotional criteria (such as fear, controlling tone, or unease) became operational evidence.
- Multi-agency panels like MAPPA and MARAC coordinated interventions, often based on unverified reports or anonymous concerns.

Together, these measures forged a new paradigm of justice in Britain: risk replaced responsibility, emotion supplanted evidence, and protection became indistinguishable from persecution. The British police, long

respected and trusted by the public, were subjected under Theresa May to a policy of public humiliation and deliberate antagonism, reshaping their role and perception. They were not merely demoralised—they were reoriented to enforce a justice system driven by moral panic and political expediency.

No longer primarily investigators of crime, officers became instruments of preventive control: policing speech, enforcing restraining orders, and acting on mere "risk signals," often irrespective of any actual offence. The traditional logic—wrongdoing before sanction—gave way to a preventive logic, where suspicion alone justified state action.

> ***Note:*** *When the author engaged with British police at the end of 2013, it quickly became clear that officers were in a state of legal confusion—they took specific actions against the author but could not explain them in terms of law or common sense. Within the legal community, it was known that simply framing a case as domestic violence or harassment allowed the police to be used as instruments of intimidation, a practice some lawyers even monetized.*
>
> *Officers intruded into private life without any clear legal basis. As the author repeatedly asked, "You are law enforcement—so which law are you enforcing? Did I breach any law" They could not state what they expected from him.*
>
> *Interactions with multiple forces—each carefully arranged to catch the author off guard—revealed that most actions were unlawful. Over time, the author gathered extensive evidence of a distinct British phenomenon: the police were directed to act without legal justification, creating irrational fear among people who did not know what was prohibited. In effect, the police were manipulated like hunters' dogs, and this practice was widely known and exploited by some lawyers.*

Legislative and Policy Milestones of the Theresa May Period

Backbencher Unleashed:
A Tsunami of Reforms Crashes Over the Nation

Before turning to the legislative reforms of the May period, it is worth

a brief digression.

Many people do not even realize how many reforms were carried out — there were so many that it was impossible to keep track. This transformation unfolded through a series of legislative milestones and institutional measures.

If we compare the life of the country to the movement of a ship across the sea of life, we could say that in the 1990s Britain sailed in calm waters; Brenda Hale stirred gentle waves, but it was May's rise from the backbenches to senior government office that set the nation trembling in an unceasing storm of reforms.

It is very useful to enumerate some of these reforms systematically, so that readers can grasp the overall picture. Britons long stopped following parliamentary debates or media discourse.

Even legal professionals — judges, prosecutors, and clerks — initially paid attention to the direction in which the "ship of British law" was moving, but later ceased to seek any rational understanding.

This becomes clear even from the sentencing guidelines on the **Crown Prosecution Service** website. The recommendations betray a profound confusion and helplessness when grappling with new offences—coercive behaviour, controlling conduct, and the ever-expanding catalogue of sexual offences. Almost any action could soon be deemed criminally punishable, triggering either formal prosecution or restrictions via an order.

Unable to define prohibited conduct precisely, prosecutors simply repeat "examples" rather than outlining the actual elements of an offence—something that, until recently, would have been unthinkable. The guidance they received from Parliament offered almost nothing concrete to act upon, leaving them to echo whatever examples were handed down. There is no doubt that the previous generation of prosecutors, trained to work with clear, well-defined offences, would have found this approach utterly absurd.

Yet this vagueness served the interests of certain observers. Some lawyers watched closely as the law evolved. Each expansion of restrictive powers opened new avenues of influence. With every new measure, the circle of those who could be placed under coercive control widened—that is, they could effectively offer services of intimidation at the direction of clients, always cloaked in the language of "victim protection." What

appeared as legal progress was, in effect, the quiet creation of a system that could ensnare almost anyone, turning uncertainty into a tool of control.

The machine of law, insatiable and accelerating, demanded an ever-growing supply of new "perpetrators" to sustain itself. For lawyers, every legislative expansion meant fresh opportunities to market "victim protection" services. This could involve persuading individuals to present themselves as victims, devising fraudulent schemes to obtain unlawful orders, drafting ever more elaborate draftd of the orders or even directing police to target innocent people—all to keep the system running and profitable.

With each new innovation, the circle of potential targets for coercive measures expanded — and to keep the mechanism running, ever more people had to be cast as victims. Lawyers may not have articulated this consciously, as the field was deeply mired in hypocrisy and rhetoric, but instinctively they sensed the wind and the direction in which the discourse was moving.

To conceal the true direction of this "ship of law," it was necessary to create a great deal of chaos — and chaos was created: government structures were reshuffled, ministries renamed, and officials moved around like cards in the hands of a magician.

Yet, despite the apparent chaos, irrationality, and disorder of these changes, what emerges is not random activity, but the execution of a coherent strategy aimed at reshaping the foundations of the British legal system.

Analyzing the reforms from 2010, it becomes clear that they followed the following directions:

- Implemented legal mechanisms that, through civil-criminal hybrid orders, effectively undermined the state's traditional guarantee of rights and liberties under the principles of Common Law;;
- Transformed legal logic — shifting focus from acts to perceptions, from guilt to risk, and from adjudication to the imposition of punishment, whereby justice ceased to signify fairness and ultimately collapsed into control;
- Established tools of preventive justice that bypass the need for any criminal action, evidence, or trial.

These reforms, in practice, created an atmosphere of fear and

uncertainty, as individuals faced the risk of sanctions without clear legal cause

1. Early Framing of Harm (2010–2012)

2010: "This Is Abuse" Campaign

Legal Innovation:

Psychological and emotional discomfort in teenage relationships was officially reclassified as "abuse." Traditional frameworks for understanding adolescent interactions—friendship, teasing, or ordinary disagreements—were subordinated to a legalistic interpretation. Early socialization patterns rooted in family guidance and cultural norms were systematically undermined.

Instrument of Control:

Media and educational programs normalized constant surveillance and emotional self-reporting. Teenagers were encouraged to monitor not only their own feelings but also those of peers, framing every interaction as a potential legal issue. This cultivated a mindset of perpetual external control and self-policing.

Practical Outcome:

The campaign socialized youth to interpret ordinary relational tension as a legal risk. Skills for independent judgment, tolerance, and informal conflict resolution were displaced by pre-defined legal frameworks, effectively reshaping a generation's understanding of personal relationships and embedding preventive social control into everyday life.

Irony: In the name of "protection," a generation was trained to live under constant observation—where even minor emotional friction could be treated as a punishable offense.

2010: Call to End Violence Against Women and Girls

Political Statement:

In November 2010, Theresa May issued a high-profile declaration calling for an end to violence against women and girls. It was a strong statement of intent and values—a public pledge to protect, prevent, and hold offenders accountable.

Focus:

Emphasis on prevention and victim support, setting a moral and political tone.

Outcome:

Ideological groundwork was laid for more intrusive measures to follow.

Irony: A grand declaration "protecting" women, while the mechanisms to enforce it quietly prepared the ground for a society increasingly measured by fear of legal consequences rather than personal judgment.

2011: VAWG (Violence Against Women and Girls) Strategy

Legal Innovation:

Introduced the concept of identity-based vulnerability, framing victims not just as individuals but as representatives of socially recognized groups.

Instrument of Control:

Embedded a belief-centered, victim-first approach in policing, privileging perception over evidence.

Practical Outcome:

Ordinary interactions could now be treated as potential legal incidents. Preventive policing became normalized, expanding state oversight into private and social life.

Irony: In the name of protection, law enforcement was instructed to treat perception as proof—transforming suspicion into a tool of control and making everyone a potential subject under watch.

2012: LASPO Act (Legal Aid, Sentencing and Punishment of Offenders),

Legal Innovation:

Imposed sweeping restrictions on access to Legal Aid in civil and family proceedings through the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO). This effectively barred most respondents—especially in family disputes—from legal representation, except in cases involving domestic abuse allegations.

Instrument of Control:

Created a systemic legal asymmetry: claimants (alleged victims) retained access to state-funded legal representation, while respondents (typically the accused) did not. Legal Aid became accessible only after accusation, embedding a structural incentive for weaponising legal claims.

Practical Outcome:

- Established a two-tier justice system, with a state-supported accuser versus an often unrepresented accused.
- Led to a surge in ex parte Non-Molestation Orders (NMOs), frequently used as strategic tools in custody and housing disputes.
- Redefined Legal Aid as a reward for accusation, thus incentivising civil claims with punitive consequences.
- Lowered procedural safeguards, prioritised administrative efficiency over adversarial fairness, and shifted legal culture from *rights-based justice* to *compliance-based process*.
- Enabled the expansion of preventive justice: civil orders with quasi-criminal effects were issued without trial or proof, often based solely on subjective accounts.

2. Infrastructural and Procedural Restructuring (2012–2015)

2012: Police Reform and Social Responsibility Act

Legal Innovation:

Introduced elected Police and Crime Commissioners (PCCs), placing local police under direct political oversight and linking priorities to government campaigns.

Instrument of Control:

Politicized policing, turning officers into instruments of ideological agendas and weakening traditional professional autonomy.

Practical Outcome:

- Community policing was subordinated to identity-based advocacy, shifting focus from public safety to political objectives.
- Frontline officers faced demoralization, caught between budget cuts, public scapegoating, and the pressure to enforce priorities dictated from above—effectively steering the police into the currents of the broader "storm of reforms."

2013: The Beginning of the 'Abuse' Terminology Shift — Replacing Domestic Violence with Domestic Abuse

Legal Innovation:

In 2013, the UK government (under Theresa May as Home Secretary)

officially redefined "domestic violence" as "domestic abuse" in policy documents, expanding the term to include non-violent acts such as emotional manipulation, psychological pressure, and perceived control.

Instrument of Control:

This expanded definition allowed the state to intervene in relationships marked by alleged emotional or psychological dynamics. It shifted legal assessments from concrete acts to subjective interpretations of power, fear, and control. Professionals—police, social workers, family court judges—were instructed to identify patterns of abuse even in the absence of physical violence.

Practical Outcome:

This terminological and legal shift culminated in significant legislative changes, including the introduction of coercive or controlling behaviour (Serious Crime Act 2015) and the Domestic Abuse Act 2021. These laws created a broad and flexible framework in which the threshold for state intervention was dramatically lowered.

Critical Observation:

Replacing "violence" with "abuse" was not merely a semantic adjustment but the ultimate stage of legal manipulation. The word *abuse* is inherently vague—similar to *misuse*—and requires a qualifier such as "of power" or "of trust" to be meaningful. Used in isolation, it has no precise legal sense. Thus, substituting the concrete notion of *violence* with the indeterminate *abuse* amounted to the most extreme form of legal fraud. No other country in the world had yet undertaken such a radical experiment in redefining justice.

2013: Crime and Courts Act 2013 – Creation of the Single Family Court

Legal Innovation:

Section 17(3) of the Crime and Courts Act 2013 established the Single Family Court on 22 April 2014, replacing the three-tiered system of Family Proceedings Courts, County Courts, and Magistrates' Courts. This reform formalized a centralized, unified structure capable of handling all family cases, creating a streamlined framework for preventive family justice. Instead of the classical adversarial model with equal procedural rights, the court was designed to intervene quickly to protect presumed victims, often

at the expense of defendants' rights.

Instrument of Control:

Centralization facilitated standardization and replication of preventive practices, including ex parte orders and rapid protective measures. The Single Family Court institutionalized the ideology of safeguarding the "weaker party," prioritizing protective intervention over comprehensive evidentiary examination. Procedural simplification enabled judges to exercise discretion as a key tool of preventive enforcement, effectively transforming the court into a quasi-administrative authority.

Practical Outcome:

The Single Family Court shifted the balance from adversarial justice to preventive control. It allowed rapid, wide-scale implementation of protective measures without full participation of the respondent, expanded administrative processing of cases, and embedded a systemic bias toward presumed victims. Over time, this reform created a unique phenomenon in the world: a parallel legal system within the traditional framework of Common Law, operating in practice free from core Common Law principles. By normalizing practices such as ex parte orders, minimal evidentiary requirements, automatic issuance of coercive measures without adjudication, and blending civil and criminal features—while lacking mechanisms to nullify proceedings in cases of procedural abuse or fraud—this system became a testbed. Once these practices were habituated, the model could be extended to "healthy" areas of law, representing a subtle yet profound transformation of the legal landscape.

By this time, the anomalous structure of the Principal Registry of the Family Division was, in practice, already operating as a de facto Family Court.

2014: Clare's Law (Domestic Violence Disclosure Scheme)

Legal Innovation:

Introduced a mechanism by which police could disclose to a person (usually women in relationships) whether their partner had a "history of domestic violence." Importantly, this disclosure could be based not only on convictions, but also on past allegations, police reports, or intelligence—materials never tested in court.

Instrument of Control:

Bypassing judicial process, Clare's Law allowed police to act as arbiters of reputation. The scheme embedded the principle of "punishment by disclosure," where suspicion itself became a sanction. It also normalised state intrusion into private relationships under the pretext of protection.
Practical Outcome:

Suspicion, unproven allegations, and "soft intelligence" were elevated to quasi-legal status, producing real social and personal consequences (stigma, relationship breakdown, employment risks). This was a critical step in legalising suspicion as a sufficient basis for state intervention and eroding the distinction between accusation and guilt.

2015: Modern Slavery Act

Weaponizing Words: Modern Slavery in Practice

Legal Innovation:

The Modern Slavery Act expanded the definition of slavery beyond traditional international law. Whereas classical slavery involved clear ownership and coercion, the Act broadened the concept to include emotional, social, and psychological dependence, as well as any form of control over work, movement, or housing. This allowed the law to reach beyond physical abuse, transforming vague vulnerability into a legal category.

Instrument of Control:

Civil preventive measures, such as Slavery and Trafficking Risk Orders (STROs), allowed restrictions and surveillance without convictions, based solely on suspicion or potential risk. The National Referral Mechanism (NRM) created data-sharing networks among police, NGOs, and local authorities to monitor "at-risk" individuals. Corporate transparency obligations compelled businesses to report anti-slavery measures, turning compliance into a form of social oversight.

Practical Outcome:

Authorities could surveil and intervene in the lives of individuals even without proven criminal behaviour. The flexible and expansive interpretation of "slavery" made preventive restrictions normal, while the terminology itself amplified fear and uncertainty. Citizens faced an invisible, pervasive form of control: mere potential vulnerability became sufficient grounds for intervention, embedding a climate of anxiety and

broad state oversight.

"Modern slavery is the great human rights issue of our time."

— Theresa May, Home Secretary, 2014

Irony: After decades in Parliament, Theresa May "discovered" in 2015 that slavery still existed in Britain—a country the world had long assumed had abolished it. One might expect such a revelation to prompt immediate resignation; instead, she carried on as if nothing had happened, proving that acknowledging a problem is not the same as taking responsibility.

3. Expansion of Preventive Legal Logic (2015–2018)

2015: Serious Crime Act, Section 76 – Coercive Control Offence

Legal Innovation:

Introduced the world's first offence based solely on psychological patterns rather than discrete criminal acts. Section 76 criminalised "controlling or coercive behaviour in an intimate or family relationship" without requiring evidence of physical violence. The offence rested on subjective perception and a vague, elastic legal category—marking a departure from traditional definitions of crime.

Instrument of Control:

Shifted legal authority from objective evidence to emotional interpretation. The accused could be punished based on how their behaviour was perceived by the alleged victim, and whether they "ought to have known" it would cause distress. Police and prosecutors were empowered to intervene in private life, domestic conflict, and ordinary dysfunctions—without the need for injuries or concrete proof.

Practical Outcome:

Erased long-standing evidentiary thresholds and collapsed distinctions between personal disputes and criminality. The offence blurred the line between uncomfortable behaviour and punishable conduct, undermining the principle of nullum crimen sine lege (no crime without law). In effect, the law punished atmosphere rather than action—transforming justice from an adversarial process to a therapeutic, belief-based intervention. Over time, Section 76 contributed to the establishment of a parallel legal logic within family law: a space where subjective perception and preventive measures could override traditional procedural safeguards, laying the

groundwork for broader application of coercive interventions in domestic contexts.

> "It is about the drip, drip, drip of abuse... you don't need bruises to be a victim"
>
> — Theresa May, Home Secretary, 2014

2015: Counter-Extremism Strategy + Data-Sharing Protocols

Legal Innovation:

Introduced risk-based monitoring across public services, creating a formal duty for authorities to identify and protect individuals perceived as "controlled," "exploited," or "trafficked." This extended the reach of the state into psychological and emotional domains, moving beyond traditional evidence of physical harm.

Instrument of Control:

Enabled predictive surveillance through inter-agency cooperation among teachers, GPs, social workers, and other public service providers. Behavioural and psychological criteria became grounds for state intervention, embedding a protective-bureaucratic model that positioned the state as guardian and moral arbiter.

Practical Outcome:

Normalised suspicion and preemption over due process, creating a climate where perceived vulnerability could justify intervention. Over time, this strategy contributed to the development of a parallel legal logic across public services: a framework in which preventive surveillance and protective measures could be applied based solely on subjective perception, institutionalising state oversight into everyday life and paving the way for broader application of victim-centric interventions.

As always it is a case of language manipulation: by using the term 'extremism,' people instinctively think of terrorism and believe the government is shielding them from terror,—when in fact, they are being guided into a new playground of sophisticated control.

> *"This legislation will send the clearest possible message to criminals—we will not tolerate slavery."* – Theresa May, 2015

2016: The Investigatory Powers Act 2016 ("Snoopers' Charter")

Legal Innovation:

Established a comprehensive legal framework for the collection, retention, and access to electronic communications and internet activity. It codified powers for intelligence agencies and law enforcement to intercept, decrypt, and store communications data, including metadata and content, on a mass scale.

Instrument of Control:

Enabled continuous, preventative surveillance of citizens, with minimal judicial oversight. Internet service providers and telecom operators were required to retain extensive data for extended periods, while inter-agency access allowed predictive monitoring and profiling based on communication patterns.

Practical Outcome:

Normalised a culture of institutionalised suspicion, in which every citizen's digital life became a data point for analysis. Shifted governance logic from *accountability after the fact* to *prevention through observation*, effectively subordinating civil liberties to state-defined risk categories. Due process was replaced by algorithmic profiling and silent data vetting.

Irony / Critical Note:

The law promised security against threats, but in practice, it created a world where everyone's digital life could be watched—proving that sometimes, protecting the public simply means turning them into permanent subjects of scrutiny.

2016: Ending Violence Against Women and Girls Strategy

Legal Innovation:

The government, under Theresa May, publicly committed to ending violence against women and girls within five years (by 2021). The strategy promised a comprehensive, cross-sector approach, including legislative reform, policing improvements, and social support programs. It framed domestic abuse and gender-based violence as urgent societal issues demanding immediate and total eradication.

Instrument of Control:

The strategy relied heavily on state intervention, data collection, and reporting mechanisms to identify "at-risk" individuals. It reinforced a victim-centric model, prioritising protective measures over evidentiary standards, and encouraged local authorities, police, and service providers

to adopt preventive surveillance practices.

Practical Outcome:

While publicly presented as a humanitarian breakthrough, the five-year goal was never achieved. By 2021, violence had not been eliminated, and—according to the figures cited by Theresa May herself—the number of victims of abuse in England and Wales was estimated at 2.3 million per year. The ambitious promises of total eradication proved both unrealistic and misleading, highlighting a gap between political rhetoric and social reality.

Irony / Critical Note: Despite the grandiose pledge to "end" violence, the government's strategy primarily served to expand state oversight, normalize preventive interventions, and create the impression of action. In reality, abuse persisted and even increased according to official statistics, demonstrating that lofty declarations can coexist with worsening social outcomes.

2016–2019: VAWG Strategy Updates

Legal Innovation:

Expanded definitions to include emotional and economic "violence," moving beyond physical acts and traditional criminal thresholds.

Instrument of Control:

Cemented feminist ideology in legal doctrine, embedding identity-based vulnerability as a primary trigger for intervention.

Practical Outcome: Triggered legal intervention based on identity, not conduct. Over time, this approach normalized preventive oversight in domestic and social contexts, allowing authorities to act on perceived harm or emotional distress rather than evidence of wrongdoing.

Irony / Critical Note: By expanding "violence" to include feelings and economic imbalance, almost any domestic disagreement could become a matter for legal scrutiny—proving that, sometimes, law follows ideology more than reality.

4. Formalisation of Civil-Preventive Law (2018–2021)

2018: Green Paper – "Transforming the Response to Domestic

Abuse"

Legal Innovation:

Defined abuse as a pattern of behaviour rather than a single incident, shifting legal focus from discrete acts to ongoing conduct. This redefinition allowed for preventive measures and intervention even in the absence of proven physical crimes.

Instrument of Control:

Introduced Domestic Abuse Protection Notices (DAPN) and Domestic Abuse Protection Orders (DAPOs)—civil orders that carry criminal consequences if violated. These tools gave authorities the ability to impose restrictions preemptively, expanding state oversight into private relationships.

Practical Outcome:

Prepared the legislative terrain for punitive civil mechanisms, normalising interventions based on patterns and perceived risk rather than on evidence of specific crimes. Over time, this framework contributed to the creation of a parallel system of preventive control within family law, blending civil and criminal authority and reducing the procedural rights of respondents.

2021: Domestic Abuse Act

Legal Innovation:

Enacted Domestic Abuse Protection Notices (DAPNs) and Domestic Abuse Protection Orders (DAPOs) nationwide, institutionalising preventive civil measures with criminal consequences. Abuse was framed broadly, including psychological, emotional, and economic dimensions, allowing interventions based on perceived patterns rather than proven acts.

Instruments of Control:

- DAPNs: Police-issued orders, often without court hearing or prior notification to the respondent.
- DAPOs: Civil orders enforceable with prison sentences, effectively criminalising non-criminal behaviour. DAPOs: Civil orders enforceable with prison sentences, effectively criminalising non-criminal behaviour. This became a universal instrument, replacing the many others that had proliferated over the preceding 20 years.

- Data-Driven Risk Assessment: Police and social services use databases and monitoring tools to evaluate risk and determine interventions, creating a system where administrative assessments guide enforcement.
- Victimhood as Trigger: Alleged victim status automatically activated preventive interventions, removing evidentiary thresholds.
- Standalone Police Powers: Police could issue bans and restrictions without judicial oversight.

Practical Outcomes:

- Enabled criminal-level sanctions without trial or conviction.
- Rights became conditional, procedural safeguards dismantled, and the civil-criminal boundary blurred.
- Core legal principles were eroded, including:
    - Presumption of innocence
    - Right to a fair hearing
    - Prohibition of retrospective penalties
    - Requirement for mens rea and demonstrable harm
    - Right to contest evidence
- Entrenched a state-sanctioned surveillance culture, where administrative decisions can restrict liberty and autonomy.
- Represented the final stage of the transition to preventive justice, creating infrastructure for stripping fundamental rights under the guise of protection.

Collapse of Procedural Safeguards:

- Orders can be issued ex parte (without notifying the respondent).
- Standard of proof is minimal—"balance of probabilities"—rather than beyond a reasonable doubt.
- Alleged victims' statements are presumed true; respondents lose the right to cross-examine.

Impact Analysis / Critical Note:

The Act created a hybrid preventive legal regime, combining civil origin with criminal enforcement. Administrative and technological tools for monitoring risk allow authorities to intervene based on perceived patterns rather than evidence. In effect, the law institutionalised a parallel system of justice—completely detached from the safeguards of Common Law—

embedding ever-expanding mechanisms of surveillance, control, and punishment that would have seemed unimaginable in domestic legislation just years before.

"A world-first system of protection that puts victims at the centre." – Home Office briefing, 2021

"This is the most important piece of legislation I have ever worked on." — Theresa May, 2020

Rightless Human

By 2025, the United Kingdom has become the only country in the world where fundamental human rights and liberties protections have been legally suspended. Under the current regime, any individual—regardless of behaviour, status, or relationship—can:

- Be accused of "abuse" based on undefined and subjective criteria;
- Face legal consequences without any evidence,
- Without a named victim,
- Without establishing intent,
- Without a clear legal definition of what conduct is prohibited,
- And without any real prospect of acquittal, since courts are not equipped to rule that no abuse occurred—because "abuse" itself is undefined.

As a result, a person may be subjected to a range of punitive and surveillance measures, including:

- Electronic monitoring (tagging),
- Polygraph testing,
- Restrictions on movement, contact, speech, and access to their home or children— All without a criminal conviction, trial, or opportunity to challenge the allegations in open court.

This framework represents not merely a profound departure from traditional legal safeguards, but a completed transformation of the legal system itself: a shift from a judicial model to a punitive one, where the individual is no longer an active participant in the legal process, but a passive object of state-imposed sanction.

2022: Crime and Policing Act 2022:

Legal Innovation:

The Crime and Policing Act 2022 introduces Serious Harm Prevention Orders (SHPOs), a new preventive instrument extending the logic of risk-based intervention into criminal law. Unlike traditional criminal penalties, SHPOs allow courts to impose legally binding restrictions on individuals without prior conviction, based solely on assessed risk of future harm. This marks a further evolution of the UK's shift from a law-governed system of accountability to a regime of pre-emptive control.

Instruments:

- Ex parte issuance: SHPOs can be issued in the absence of the individual if the court deems participation might increase risk, effectively bypassing the accused's right to confront evidence.
- Notification and enforcement: Individuals are often notified only after the order is made. Any violation constitutes a criminal offence, enforceable by arrest and imprisonment.
- Broad scope of restrictions: SHPOs can impose limits on movement, communication, electronic access, and association, based on predicted risk rather than proven wrongdoing.
- Integration with digital policing: The Act anticipates algorithmic risk assessments, electronic tagging, and surveillance data to monitor compliance, paving the way for automated behavioural management.

Outcome:

- Preventive governance: Individuals may be legally constrained not for what they have done, but for what they are predicted to do.
- Erosion of procedural safeguards: Ex parte hearings, minimal notification, and the low evidentiary threshold weaken due process and presumption of innocence.
- Normalization of pre-crime control: SHPOs institutionalize the principle that freedom and legal protection are contingent on subjective risk assessments.

Systemic Implications:

- Digitisation of the citizen: By combining SHPOs with electronic monitoring, algorithmic risk scoring, and data-driven enforcement, the state gains the capacity to surveil and control individuals continuously.

- From civil-criminal hybrids to algorithmic governance: SHPOs are the logical extension of DAPOs and FLA-derived orders, moving from discretionary judicial restriction to predictive, automated intervention.
- Totalising potential: Under this framework, liberty is conditional, rights are provisional, and citizens exist as algorithmically managed subjects. The legal system no longer adjudicates proven actions but enforces predicted behaviour—creating the infrastructure for perpetual surveillance and systemic preventive punishment.

Strategic Shift Summary: From Criminal Justice to Risk Governance

Traditional Justice	→	Preventive Regime under May
Based **on** evidence, facts, guilt	→	Based **on** feelings, risk, suspicion
Requires adversarial trial	→	Replaced by civil orders + administrative procedures
Offender must be proven guilty	→	Subject labelled high-risk or harmful
Police as post-crime investigators	→	Police as pre-crime behaviour regulators
Legal Aid balances power	→	Legal asymmetry favours complainants
Judges enforce standards of proof	→	NGOs & PCCs influence decisions through ideology

Key Principles Uniting These Measures

Principle	Implementation
Prevention	Punishment before crime — based on suspicion or risk
Flexible Definition of "Threat"	Expanded, vague categories such as "exploitation," "control," "influence," "harm"
Symbolic Victim	Decisions made on behalf of hypothetical "victims"
Order Instead of Trial	Civil/Protection Orders used in place of criminal proceedings
Transnational Agenda	UK model adapted by other countries as a "best practice" template

Broader Implications

- Epistemological Shift: From objective truth to subjective narrative—"believe the victim" replaces "test the claim."
- Institutional Capture: Law enforcement subordinated to civil society ideology and data-driven risk scoring.
- Moral Immunity: Framed as protection, reforms faced no meaningful opposition—even as they dismantled centuries-old legal safeguards.
- Export Model: The UK became a global reference point, exporting this hybrid of human rights rhetoric + coercive admin power to Australia, Canada, and parts of the EU.

Baronesses — The Destroyers

In the history of English law, two baronesses emerged who accomplished what centuries of revolutions and reforms had not: dismantling the principles of Common Law and replacing them with a hybrid system whose contours are still being discovered.

In fact, their elevation to the peerage was partly a consequence of this

work. Otherwise, one would have remained a humble backbench MP, the other a barrister. But being in the right place at the right time, combined with diligence and obedience, did the rest.

Had they been ordinary citizens, their names might have been remembered only by neighbors: Miss Theresa May and Miss Brenda Hale. Instead, they became The Right Honourable The Baroness May of Maidenhead and The Right Honourable The Baroness Hale of Richmond DBE—Dame Commander of the Order of the British Empire.

All of this was possible because they dismantled the seemingly immovable foundations of Common Law, rendered individuals effectively rightless, and created a mechanism through which, in the world's oldest democracy, one could instantly deploy a system of control and surveillance reminiscent of the despots of the past.

By 2021, a new preventive paradigm had taken firm root in English law, thanks to their unlikely collaboration. Baroness Hale, from within the judiciary, laid the groundwork: protective orders, elastic legal categories, and hybrid procedures operating without traditional safeguards. She transformed the law from a neutral arbiter of disputes into a preemptive manager of people's lives.

Baroness May, first as Home Secretary and later as Prime Minister and peer, brought political power to the project. Through national strategies, legislative initiatives such as the Domestic Abuse Bill, and high-profile campaigns, she translated legal theory into nationwide practice. Law became policy, policy became practice, and the machinery of the state acquired unprecedented discretionary power—all under the banner of "protection."

Together, the two baronesses presided over a quiet, almost theatrical revolution. One dismantled centuries-old safeguards; the other integrated the system into government machinery, creating a simulacrum of justice: a parallel framework in which civil and criminal boundaries blur, victimhood triggers intervention, and the right to a fair hearing becomes conditional. Their work institutionalized a system capable, at a moment's notice, of converting ordinary citizens into subjects of surveillance, regulation, and preemptive discipline.

It is both comical and deeply disturbing that two women, each operating within her own sphere, became the architects of a structure that could

instantaneously transform ordinary lives into objects of control. Whether they had read Orwell is beside the point. Somehow—or perhaps guided by invisible forces—they managed to implement with uncanny precision the dystopian vision he imagined: a society where law masquerades as protection, yet can instantly convert citizens into objects of surveillance, coercion, and preemptive discipline.

Comparative Framework: Political Implementation vs. Judicial Ideology

Criterion	Theresa May – Political and Institutional Implementation	Brenda Hale – Legal and Ideological Architecture
Role	Home Secretary, Minister for Women and Equalities, Prime Minister (2010–2019)	Judge, President of the Supreme Court (1999–2020)
Mode of Influence	Legislative and administrative reforms; strategic policymaking	Legal doctrine, judicial rulings, ideological justification
Key Measures	Domestic Violence Protection Notices (DVPNs); Domestic Abuse Bill; expansion of police powers; development of preventive justice	Part IV of the Family Law Act 1996; Section 45 (ex parte orders); legitimisation of "coercive control"
Approach to 'Protection'	Unconditional belief in victims; expansion of victim status	Victim subjectivism; priority of emotional "truth" over procedural standards
Erosion of Procedural	Support for ex parte restrictions; criminal penalties without trial	Ideological justification for abandoning presumption of innocence and adversarial

Criterion	Theresa May – Political and Institutional Implementation	Brenda Hale – Legal and Ideological Architecture
Safeguards		process
Type of Intervention	Police and administrative control over private life	Judicial norm-creation and expanded interpretation of "violence"
Ideological Foundation	Liberal humanism; the "protective state" model	Law as a tool of social engineering; rejection of legal neutrality
Institutional Effect	Transformation of police into a tool of pre-trial coercion	Transformation of courts into forums of moral judgment and social correction
Ultimate Consequence	A system of mass restrictions without criminal process	Legal legitimation of state control in the private sphere under the guise of "protection"

From a £15 Billion Problem to an £84 Billion Business per Year:
The Puzzling Rise in the Cost of Abuse

From the very day Theresa May announced her "fight against domestic violence" in 2010, its cost began to soar—as if the fight itself was fueling

the problem.

Slowly but surely, the expenses for this "battle" surpassed the total cost of all other crimes combined.

The number of alleged victims and offenders grew in proportion to the government's efforts, creating a strange paradox: the more intense the "fight," the larger the scale of the problem. One might ask, with a hint of irony, what exactly is being fought for, if the results are measured solely in rising costs, victims, and restrictive measures?

With such statistics, it seems the system of "protection" has itself become a giant machine, siphoning money from the public purse while simultaneously feeding fear, anxiety, and dependence on state intervention.

Year	Estimated Cost of Domestic Abuse (£ bn) per Year (England an Wales)	Comment
2009	15.7	Before Theresa May's active campaign
2017	66	Peak during May's campaign; costs quadruple in just seven years.
2021	77	Continues rising despite campaigns; the "machine" keeps absorbing public money while the problem remains unsolved.
2025	84	Projected cost; persistent growth suggests the system benefits from ongoing expenditure rather than resolving abuse.

Chapter 17

DOMESTIC ABUSE ACT 2021

Peak Legal Engineering: the Ultimate Erosion of Due Process

"When protection becomes control, freedom is reclassified as a threat."
"The Domestic Abuse Act did not protect the vulnerable — it redefined everyone as potentially dangerous."

- Legal effect of preventive justice (UK, post-2021)

Legislation that fails to secure even the minimum of fundamental rights, guaranteed even in ancient despotic regimes, ceases to be genuine law and becomes an instrument of arbitrary power.

The Claim That the Domestic Abuse Act "Fights Crime" Is a Lie

Before examining the Act in detail, one must first grasp the fundamental falsehood on which the entire discourse surrounding it is built.

The assertion that the Domestic Abuse Act 2021 was designed to "fight crime" is not only false—it is deliberately misleading.

British law, though distinct from continental systems, is among the most developed in the world. By the early 2000s, every act capable of causing tangible harm had already been criminalised: assault, battery, intimidation, harassment, blackmail, and threats were all fully prosecutable under existing statutes. There was no "gap" to fill. Legislators had long ensured that harmful conduct was covered.

What the Act introduced was not clarity but ambiguity. The central term—"abuse"—is not a legal category at all. It is undefined, elastic, and infinitely malleable. Unlike established offences, which require precise elements and thresholds of proof, "abuse" has no fixed meaning. No one can reliably say which acts it prohibits, nor predict with certainty whether a particular behaviour constitutes an offence. Where traditional law yields binary answers—guilty or not guilty—the Domestic Abuse Act yields only narratives, interpretations, and speculation. It replaces certainty with fear.

Once the rhetorical fog is stripped away, the reality is stark: the Act was never about addressing a legal deficiency. There was simply no deficiency to address. Instead, it was about extending the state's reach into private life, creating tools not for the prosecution of crimes but for the surveillance and management of relationships.

Even before 2021, Britain had already stretched its legal categories to criminalise vague and subjective notions such as "domestic violence," "harassment," and "controlling or coercive behaviour." These concepts—so imprecise that earlier generations of jurists would have rejected them outright—were enforced through civil restraining orders imposed without trial, carrying criminal penalties for breach. The machinery of preventive control was already in place.

But for the architects of this new system, it was not enough. They demanded more opacity, more subjectivity, and above all, more discretion.

The Domestic Abuse Act does not fight crime; it institutionalises a framework of total control—a framework that serves either the interests of the state itself or of powerful groups who financed and promoted the entire campaign.

It is precisely from this perspective that it ought to be examined.

A Legal First in World History: Constitutional Enshrinement of Total Control and the Abolition of Liberties

When Theresa May, the so-called "mother" of the Bill, hailed it as a *"landmark piece of legislation"* that divided British law into a "before" and "after," few truly listened. Her words were prophetic, but they went largely unnoticed.

British people had grown used to treating Westminster speeches as background noise—like rain tapping against a window: monotonous, soporific, something that lulled them into thinking that as long as the politicians were talking, everything must be continuing as usual. In the popular saying: "so long as it doesn't get worse."

But it will get worse—far worse than most can yet imagine. People are wrong to think that all this rhetoric about abuse does not concern them. They are mistaken in believing that a "wise judge" will protect them from arbitrariness. Interest groups have invested heavily in this matter for a reason: it will affect everyone, without exception.

Perhaps if the words of the "mother of the Act" had been taken more seriously, someone might have stirred—if not within Britain, then at least from abroad—and raised a voice of reason strong enough to awaken the slumbering British mind.

What has now been enacted is nothing less than the constitutional enshrinement of a model of governance that removes the last surviving judicial safeguards of Common Law.

Where Common Law once guaranteed the rights of the individual through fair process, evidentiary standards, and the predictability of punishment, the Act replaces them with a preventive regime of suspicion, restriction, and criminal sanction without trial. This is not reform but structural reversal: the final step in dismantling the barriers that once protected society from arbitrary power.

Behind the Act's seemingly innocent wording lies a hidden architecture of countless "ticking bombs," each capable of shattering the very foundations built over centuries by Britain's greatest legal minds—replacing them with a monster of totalitarian reach that even the ancient

despots would have envied.

This Act completes the destruction of the last constitutional safeguards against totalitarian governance. From this moment on, no legal or structural barriers remain to prevent the imposition of an extreme and unaccountable regime of state control.

Key Dimensions of Legal Transformation:

- Constitutional enshrinement of Preventive Justice: authorising extrajudicial punishment of any person without charges of unlawful conduct.
- Legalisation of the Rightless Person: the state, through the judge, no longer protects any of an individual's rights from arbitrariness.
- Legalisation of Total Control over the Innocent: allowing control over individuals not accused of any legal wrongdoing.
- State-Sanctioned Surveillance Culture: pervasive monitoring of citizens under the pretext of protection.
- Dismantling of all legal safeguards: elimination of core Common Law principles that historically protected citizens.
- State-Sanctioned Surveillance Culture.
- Dismantling of all legal safeguards without exception, including the core principles of Common Law.

Systematically Eroded Principles:

- Presumption of innocence
- Right to a fair hearing
- Prohibition of retrospective penalties
- Requirement of *mens rea* and demonstrable harm
- Right to contest evidence
- Due process and adversarial procedure
- Evidentiary standards
- Proportionality of punishment
- Predictability of punishment
- Right to cross-examination
- Clear distinction between civil and criminal justice

Thus, the Domestic Abuse Act 2021 bypasses the requirements of the Human Rights Act under the pretext of "emergency" and "prevention."

What remains a mystery to the author is not so much that the architects

of the abuse discourse invented it and promoted it whenever possible, but that such a global phenomenon as the Domestic Abuse Act 2021 has passed almost unnoticed—except, perhaps, by its creators.

For example, when the author first saw the text on the Parliament website back in 2020, a first reading revealed several legislative "bombs" undermining universal principles of justice. These were immediately reported to members of the Bill committee in framework of public discussion.

No one else seemed to notice fundamental defects, and if there were any critical comments, they concerned minor details, while the Act as a whole should have been rejected outright—discarded entirely, because it is fundamentally flawed.

Modern British lawyers, astonishingly, seem blind to issues so elementary that they are covered in introductory courses on the fundamental law books, such as *History of State and Law* and *Theory of State and Law*.

First-year law students must learn a simple truth from these textbooks: even the most despotic regimes—from Babylon to ancient Egypt—despite their cruelty and arbitrariness, still guaranteed individuals a minimal set of rights, however limited, recognized by the authorities. At the very least, some rights were guaranteed to certain segments of the population.

It is this "floor" of rights that distinguished a state from the arbitrary violence of savage systems. Under British law today, no rights are guaranteed to anyone. In legal terms, the people sitting in British Parliament have returned Britain to prehistoric conditions, to a time before the state existed, when relations between people were not regulated by written laws.

A second fundamental truth, emphasized throughout courses on the *Theory of State and Law*, is that law and legislation are not identical. Legislation can exist formally, be passed by Parliament, and be published—but if it does not conform to law as the expression of justice and basic human rights, it loses legitimacy and becomes a tool of arbitrariness.

"The rule of law stands against arbitrariness. Law is not something the legislator invents at will; it is a framework that expresses the real, objective needs of society, encoded into legal norms. Its purpose is to guide, restrain, and protect, not to serve the whims of those in power."

Had British lawyers involved in the discussion of modern Acts on "protection from domestic abuse" and other restrictive measures remembered these fundamental principles, they would not have limited themselves to superficial amendments or public consultations. They would have inevitably questioned the fundamental incompatibility of these Acts with law as such. Consequently, they would have seen the necessity to reject the entire document outright as unacceptable from the perspective of basic legal theory.

But, as the author believes, the marked degradation of legal education in Britain over the past three decades—focused on training students in individual laws and instilling rhetoric and discourse—was itself part of the preparation for this Act.

The author, who had completed only a couple of years of law studies in Russia, was struck with shock and astonishment when he first encountered what was happening in area of restraining orders back in 2014. The matter sparked a profound and lasting interest, one that stayed with her for years, compelling her to delve to the very core of the system and organize it into a coherent structure—an undertaking that no one had attempted before in the United Kingdom.

What the author encountered in her own case, which began in 2014 due to circumstances beyond her control at the Principal Registry of the Family Division in Central London, had absolutely nothing to do with justice. When she says this, she means it literally, not metaphorically. Often people say, "it's not a court, it's a monkey court," or use terms like kangaroo court, sham court, or theatre of justice. These expressions typically describe a flawed judicial process where fairness is compromised, yet some procedural elements—notification to respondent, clarification of the content of the order, distinctions between interim and final orders, terms of the order, such as expiring date—still exist.

However, in the author's experience, the situation bore no resemblance to justice whatsoever. The proceedings followed rules entirely alien to any recognizable legal order, stripped of the very elements that normally give law its meaning and legitimacy. When one turns to the justice system, one naturally expects to find its defining marks, like those listed I above paragraph. To encounter instead a structure devoid of these is as disorienting as stepping into a hospital only to find a dance floor instead of

wards, or entering a restaurant and discovering not tables laid for meals but the trappings of a funeral parlor.

When a person enters a hospital and finds a nightclub, the first reaction is to check whether they have come to the wrong place. Once certain they have not, they instinctively rub their eyes in disbelief or pinch themselves to see if they are dreaming. The author's experience in the courts was exactly like that. Once she began to metaphorically "rub her eyes," she could not stop, for each subsequent event appeared more absurd than the last, as if she were compelled to take part in a performance straight out of the theatre of the absurd.

The entire process of her research could be described as an attempt to find any common ground between her judicial reality she was in and justice in its fundamental meaning—but none could be found.

For example, justice in its fundamental sense presupposes that a judge cannot refuse to explain the content of an order she has signed in the absence of the respondent, or to specify its details—such as whether it is temporary or permanent, when it expires, or what restrictions it imposes. It also presupposes that the respondent must be allowed to attend the hearing rather than be excluded, and that a judgment or decision must be provided. None of this happened.

While the author was trying to comprehend what he had encountered—an area that seemed part of the British justice system, yet was so far removed from law, and giving a definition to this *legal mutant* unknown to history—the parliamentary process for passing the Domestic Abuse Act began. The author considered it his duty to participate as fully as possible in what calls public discussion, striving to bring a minimal measure of reason to the legislators.

Only later was she able to give a structured understanding to what had happened to her: the "legal" domain into which she had fallen was experimental, a transitional zone in preparation for the new DAA. Within this zone a legal simulacrum was being engineered—an unprecedented construct that formally appeared to belong to the legal order yet had been emptied of the essential attributes of law. In hindsight, she would define this construct as a parallel system.

Section 35(3):
The Legal Abolition of Guaranteed Rights and Liberties — A British First

All previous legal innovations in the United Kingdom — and even the harshest legal systems in world history — pale in comparison to what is codified in Section 35(3) of the Domestic Abuse Act 2021. "Subsections (4) to (6) contain examples of the type of provision that may be made under subsection (1), but they do not limit the type of provision that may be so made."

At first glance, this might appear to be a minor drafting clarification, a technical afterthought lost in the machinery of legislative detail. In truth, these deceptively modest words conceal a device of extraordinary destructive force. Section 35(3) is nothing less than the legal equivalent of a time bomb.

By declaring that "the examples of provision… do not limit the type of provision that may be so made," Parliament has handed a carte blanche to those who would act in bad faith, placing every human right and liberty in England and Wales under conditional suspension. Nothing is excluded; nothing is guaranteed. Liberty of movement, freedom of association, freedom of expression, property, even the most intimate rights of family and private life — all are exposed to prohibition, enforceable by the threat of imprisonment, without criminal trial or conviction.

In practice, this means a person could be:

- barred from entering their own home,
- prevented from speaking to their children,
- restricted in using a telephone or the internet,
- denied the right to choose their own medical treatment,
- compelled to disclose private information to the police,
- forbidden to meet with friends or attend public events,
- prohibited from sending letters or emails, or even from walking in public spaces—all under threat of criminal sanction.

The magnitude of this shift cannot be overstated. With a single sentence, the principle that the subject possesses rights beyond the arbitrary

reach of the sovereign — first enshrined in Magna Carta — has been silently annulled. And the damage extends further still. The Habeas Corpus Act of 1679, the Petition of Right of 1628, and the Bill of Rights of 1689 — foundational pillars of the English constitutional order — are in substance nullified. Each of these charters had enshrined protections against arbitrary imprisonment, unlawful commands, and the unchecked hand of executive power. At the time, openly repealing these historic protections would have been impossible; instead, a complex scheme of gradual legal transformations was devised, ultimately producing the present result.

Now, under the guise of "protection," that inheritance of eight centuries has been undone. Section 35(3) is not a mere clause; it is the gravestone of English constitutionalism, inscribed with a formula that buries the very notion of guaranteed liberty.

This is the bomb hidden in plain sight: the quiet abolition of rights, replaced by a regime in which liberty exists only until the state decides otherwise.

The *Rightless Human:* How the Law Strips Rights

Many people fail to understand what it truly means to "have a right." They assume that claiming a right automatically allows them to act or refrain from acting in certain ways. Yet the concept of holding a right is meaningless without a system that guarantees its enforcement.

Technically, a person may still "have" rights on paper, but the legal system is no longer obligated to guarantee their realization. Without enforceability, rights become hollow. An individual may hold on to their supposed rights—like grasping an empty shell—but the system will offer no protection or recourse.

The mechanism to strip a person of rights or liberties is simple and already operational. For example, if Person A applies for a prohibition against Person B citing emotional harm, the court has no legal basis to refuse — no matter how absurd the request may appear. The judge simply lacks any legal instrument to deny the order. Courts are already issuing such orders routinely, without questioning the claims.

Now, any third party, Person C, could claim that Person A is suffering emotional harm caused by Person B, and the judge would still be unable to

refuse the order, even if Person A themselves demonstrates that no harm exists. Moreover, this can further worsen Person B's situation, particularly since laws have been enacted to criminalize "intimidation of victims." In other words, all legal and procedural safeguards have been removed, leaving no obstacles to the imposition of these orders.

This is not simply preventive justice — it represents a foundational shift in legal architecture: the first known instance in a democratic state where any human right can be overridden by a discretionary court order, without prior criminal wrongdoing or evidentiary proof.

Historical and Comparative Context

To help readers unfamiliar with the evolution of legal concepts understand the gravity of this transformation, it is essential to place it in historical and international perspective.

A Global Legal Perspective

1. Slaves in Antiquity: In Rome, slaves were considered property, yet they still had codified protections against arbitrary killing.
2. Outlaws in Medieval Europe: Being declared an outlaw stripped one of legal protection, but only under specific formal conditions, and never as a general legal category.
3. Totalitarian States: Even in Nazi Germany, constitutions and codes formally recognized rights, even if those rights were routinely violated.
4. Modern Authoritarian Regimes: Many regimes blur the line between law and discretion, but it is extremely rare for a statute to structurally abolish rights in explicit legislative language.

By contrast, the Domestic Abuse Act 2021 institutionalizes rightlessness as a normal feature of law, not an emergency exception. Every individual may now be placed under punitive restriction without charge, trial, or proof, and courts may impose any conditions deemed necessary, without a closed list of rights, without evidentiary burden, and without recourse to challenge.

The Rightless Citizen in Liberal Democracy

Section 35(3) legally births the "rightless citizen." It does not merely expand judicial discretion — it eliminates the very concept of limitation. No human right in England is guaranteed by law. Individuals may still

nominally "possess" rights on paper, but the system is under no duty to enforce them, rendering them symbolic and meaningless.

The Domestic Abuse Act 2021 establishes a new legal regime: a comprehensive framework for the discretionary removal of individual rights, where the state — whether through judges, police officers, or social workers — can suspend any right, at any time, for any reason, based solely on allegation. This is not an anomaly; it is the system itself, codifying rightlessness as the new norm in a liberal democracy.

Every day, the implementation of Section 35(3) reminds us: rights can be revoked at will, and liberty is conditional. Even the most basic freedoms — moving freely, communicating, choosing one's healthcare, maintaining family ties — now exist only until the state says otherwise.

Section 1 DAA 2021

Abuse Without a Definition:

Section 1(3): The Illusion of Definition — How the Law Creates Ambiguity and Uncertainty

The Lie of "Definition": Why Section 1 Does Not Define Abuse Supporters of the Domestic Abuse Act 2021 often claim that Section 1 clearly defines "abuse." This is false. What appears on the surface as a legal definition is in fact a carefully constructed framework of legal ambiguity, designed to maximize judicial discretion and uncertainty.

Section 1(3) states that behaviour is "abusive" if it consists of:

- (a) physical or sexual abuse;
- (b) violent or threatening behaviour;
- (c) controlling or coercive behaviour;
- (d) economic abuse;
- (e) psychological, emotional, or other abuse.

Crucially, it does not matter whether the behaviour is a one-off incident or part of a pattern. Historically, when deliberately "vague crimes" were introduced, legislators used a trick: they introduced the concept of a "pattern of behaviour," highlighting repetition and persistence. The action itself might not have been criminal, but repetition could be punished. Now, once the public became accustomed to the criminalization of previously

non-prohibited acts and legal rhetoric, emotional appeals, and hypocrisy replaced factual clarity, the "pattern" requirement has been removed—revealing the original trick.

Ambiguity by Design

This seemingly straightforward list conceals numerous pitfalls:

- It includes categories that were already criminal offences (e.g., violence and threats).
- It introduces vague, undefined categories such as "emotional" or "other" abuse.
- It opens the door to highly subjective interpretations by incorporating non-criminal, non-violent, and non-verifiable conduct into the legal framework.

Key Questions: Exposing the Absurdity

To illustrate the dangers of this ambiguity, consider the following questions:

- What specific actions are prohibited under this law?
- How can a judge acquit a person when the Act offers no clear criteria for what constitutes abuse?
- Is the law based on objective evidence and intent, or on subjective perception and speculation?
- Can identical behaviour be punished in one case and ignored in another, based solely on feelings?

These questions cannot be definitively answered under the DAA—because the law was designed to avoid precise definitions. Unlike classical law, grounded in the principle of *nulla poena sine lege* ("no punishment without law"), the DAA permits open-ended accusation.

Rhetoric Replaces Reason

The lack of precision makes it impossible for the accused to prove their innocence. Since "abuse" is undefined, no one can know what behaviour is lawful. Any action—or even inaction—may later be reinterpreted as abusive. In this legal universe, failing to say hello might count as abuse. Saying hello twice might also.

Worse still, the "victim" need not testify. A third party can accuse you

on someone else's behalf. If the alleged victim denies the abuse, the accused may face an additional charge of intimidation. This structure removes fundamental legal protections and turns the courtroom into a theatre of assumption and punishment, where verdicts are preordained.

Section 1(3)(e): "Other Abuse"

The phrase "or other abuse" completely undermines the preceding list. It creates an open-ended category—undefined, unlimited, and unchallengeable. Any action or inaction may later be punished under the pretext of a "new type" of abuse. This clause destroys legal certainty and hands unchecked discretion to the state. It allows punishment without criminal law, without trial, and without proof of intent or harm. It is the legal equivalent of declaring open season on private life.

Section 1(5):

Abuse "Towards" Someone, Even If Not Directed at Them

The law states that abuse "towards" person B may involve conduct directed at someone else entirely—such as B's child. This wording is deliberately vague. What does "towards" mean? Must the action be intended to harm B? Could shouting at a neighbour, or even yelling at a dog, count as abuse "towards" another person who witnesses it? Including children in the example is a calculated emotional appeal designed to deflect criticism and stifle scrutiny rather than protect victims.

Conclusion:

A Legal System Without Law

Regardless of how this legislation is defended or explained, the outcome is clear:

Today, the United Kingdom is the only country where any person, regardless of behaviour, status, or relationship, can:

- Be accused of abuse based on undefined criteria;
- Without any evidence;
- Without a victim;
- Without intent;
- Without clarity on what the law prohibits;
- And with no realistic prospect of acquittal, since judges lack legal

tools to issue one.

Surveillance, restrictions, civil punishment, and loss of freedom now require nothing more than a feeling—a narrative.

This is not criminalising violence. This is legalising tyranny.

Replacing Abuse with Misuse: Revealing the Fraud Behind the Law

Once a precise legal term—used in contexts such as *"abuse of power"* or *"abuse of process"*—the word **"abuse"** has been subtly transformed into a vague, standalone accusation: "emotional abuse," "economic abuse," "psychological abuse." This shift, from clearly defined acts and objects to indefinite adjectives, is not accidental—it is a deliberate linguistic maneuver that replaces legal clarity with chaos.

When the law says simply "psychological abuse," it removes the reference point needed to contest the claim. No one can meaningfully prove their innocence, because the accusation has no object that could be demonstrated or measured. If the statute instead required "abuse of the psychological state of another person," then the claim would demand proof, evidence, and intent. In that scenario, courts could evaluate the facts, and the accusation would cease to be a universal instrument of intimidation.

By stripping the noun **abuse** of its object and pairing it with vague adjectives, lawmakers created a legal weapon that functions precisely because it is undefinable. The public, having heard the term for years in media and advocacy, assumes its meaning is clear—but the truth is the opposite. The word now functions as a rhetorical trap: anyone can be accused, and acquittal is almost impossible.

To expose the manipulation, replace **"abuse"** with its literal synonym **"misuse."** Suddenly, the fraud becomes obvious:

- "emotional misuse"
- "psychological misuse"
- "economic misuse"

These phrases are meaningless. The clarity and enforceability of law vanish. The accusation is no longer anchored in reality—it becomes pure abstraction, a tool of fear and control rather than justice.

This linguistic sleight of hand reveals the law's true design: it is not

meant to define or protect; it is meant to intimidate, to grant courts unbounded discretion, and to weaponize vague language against anyone at any time. What appears to the public as "protection" is, in fact, a carefully disguised system of legal terror.

Section 32(4)(a): Extraterritorial Reach of UK Law

Beyond Reason and Borders

Section 32(4)(a) of the Domestic Abuse Act 2021 dramatically extends UK legal jurisdiction beyond its territory. It allows UK courts to treat alleged *abuse* as grounds for legal action—even if it occurred outside the UK.

Text: "*It does not matter whether the abusive behaviour... took place in England and Wales or elsewhere.*"

This enables UK authorities to issue restraining orders and request extradition for individuals abroad, based on vaguely defined allegations such as *emotional* or *psychological* abuse—even if such acts are not crimes in the foreign country.

Previously, extradition applied mainly to serious, clearly defined crimes. Now, the UK can act on subjective claims using terms like "other abuse," which are legally undefined and open to interpretation.

This change means:

- UK restraining orders may apply to foreign nationals with no connection to the UK.
- Breaching such orders—even unknowingly—could trigger extradition.
- Testimony of the alleged victim may be ignored or dismissed (e.g., under claims of coercion).
- Hearings can proceed without notifying the accused.

In theory, this permits UK authorities to demand extradition of a person with no UK ties, based on unverified or even fabricated claims of online or long-distance abuse. While such cases are not yet common, the legal framework now exists.

Implication:

The UK has laid the legislative foundation for global jurisdiction over behaviour it alone defines as abusive. This sets a dangerous precedent for future misuse and may influence other jurisdictions if globalist legal models spread.

Section 32(4)(b) DAA 2021 -

Violation of the Principle of Non-Retroactivity (*ex – post facto*)

This section introduces retroactive application of law, stating that it *"does not matter whether* [the conduct] *took place before or after*" the section came into force.

This violates the principle of non-retroactivity (ex post facto) — a cornerstone of English and international law — which holds that individuals cannot be punished for acts that were not illegal at the time they were committed. It undermines legal certainty, as people lose the ability to predict what is punishable.

Such retroactivity:

- Contradicts common law principles of fairness;
- Breaches Article 7 of the European Convention on Human Rights, incorporated into UK law via the Human Rights Act 1998;
- Conflicts with established judicial precedent.

Because DAPOs (Domestic Abuse Protection Orders) impose restrictive penalties, often for vaguely defined conduct, applying them retroactively may result in punishment for lawful past actions.

The UK's use of retroactivity in this context is highly unusual, as such exceptions are typically reserved for extreme cases (e.g., crimes against humanity). Applying it to domestic matters marks a radical departure from legal norms.

Section 36(2) and (5) DAA 2021

Enforcing Reporting and Normalising Family Surveillance

These sections lay the legal foundation for surveillance, informant culture, and collective responsibility.

The law requires that any Domestic Abuse Protection Order (DAPO) designate a third party to supervise the individual under restrictions ("P") and report compliance or breaches to the police. This effectively institutionalises the role of informant, shifting responsibility from the alleged victim to a state-approved overseer.

The law does not define who this supervisor must be, meaning it could be a colleague, neighbour, or family member, including children. This opens the door to state-imposed internal family surveillance.

Victims can now be excluded from the process entirely if they deny harm, under assumptions of "coercion." The law thus removes consent, replacing it with enforced reporting and mandatory oversight, even in private or familial contexts.

These provisions erode legal and social boundaries, normalising surveillance within families and introducing mechanisms akin to totalitarian control—a step toward a culture of mandated denunciation.

Section 35(6) and 37(8):

Legalising Electronic Surveillance Without Criminal Guilt

The Domestic Abuse Act 2021 allows courts to impose electronic monitoring (e.g., ankle bracelets) on individuals under DAPOs—even if they haven't been charged with or convicted of any crime.

Traditionally reserved for convicted offenders under probation, such monitoring now applies to anyone accused of abuse, based solely on a civil order. This marks a radical shift from punishment to pre-emptive control.

Section 35(6) authorises this measure; Section 37(8) enforces strict technical compliance—requiring individuals to maintain monitoring devices, permit inspections, and avoid interference. Failure to comply constitutes a breach.

Together, these provisions normalise total surveillance of legally innocent people, turning civil accusations into a basis for coercive state control. This undermines both the presumption of innocence and individual autonomy, advancing a model of preventive authoritarianism in the name of "protection."

Section 76 DAA 2021 and Thought Controle:

The Rise of Large-Scale Polygraph Testing

The author initially believed the Domestic Abuse Act (DAA) 2021 aimed to resolve chaos in domestic abuse legislation. However, upon closer analysis, she saw it as a systematic shift toward mass control, disguised in benign language. The law, she argues, enables unprecedented state intrusion—where innocent people, without any crime or accusation, could be subjected to tagging, movement restrictions, and even polygraph testing.

Section 76:

Foundation for 'Thought Crime'

Section 76 of the DAA introduces polygraph testing for individuals released on licence, but with vague and broad criteria. While it appears to target high-risk domestic abuse offenders, the inclusion of loosely defined terms like "controlling or coercive behaviour" opens the door for testing people who have neither committed crimes nor been accused.

By categorising such behaviour under the Serious Offences Act, the law allows harsh measures—including mandatory polygraphs—for non-criminal actions. Guidelines also permit discretionary testing of those not meeting high-risk thresholds. This effectively legalises the surveillance of thoughts, intentions, and emotions—not just actions.

Section 76 marks a significant shift: from punishing proven actions to preemptively monitoring presumed risks. It creates a precedent for treating innocent individuals as threats based on ambiguous behaviours or perceived future harm. This legal framework paves the way for 'thought crime', where private beliefs could justify state control.

Moreover, the guidance issued to accompany the article makes it possible to subject any individual—even someone not accused of "controlling or coercive behaviour"—to polygraph testing.

Section 70 DAA 2021:

Creating Confusion by Re-Criminalising What Was Already Criminal

Section 70 of the Domestic Abuse Act 2021 turns acts already punishable under UK law into tools of coercion and fear, creating a legal environment where mere allegation can trigger restriction, sanction, or criminal prosecution.

It introduces a new offence—strangulation or suffocation—under Section 75A of the Serious Crime Act 2015. Yet such acts were already covered by:

- Offences Against the Person Act 1861, allowing life imprisonment for choking during an attempted offence;
- ABH and Common Assault, routinely applied to physical attacks.

Legislators claimed there was a "gap" in the law, citing:

1. Difficulty of proof;
2. Lack of specific protective tools;
3. Absence of extraterritorial jurisdiction.

In reality, this "gap" was largely fabricated. Existing criminal and civil measures already addressed strangulation, and expanding extraterritorial reach was a political choice, not a legal necessity. The pretext of a "gap" served to justify preventive powers and a new offence, expanding state control.

Preventive Orders and Risk

Section 70 allows courts to impose orders on individuals who have not committed a crime, based solely on perceived risk. These restrictions can force someone to live in constant fear of alleged breaches. The legislative aim is less about punishing offenders and more about maximising preventive reach, creating a system of surveillance and control.

Risks to Justice

- Duplication and Confusion – Overlapping offences undermine coherence and allow selective enforcement.

- Lowered Standards of Proof – Prosecutions can proceed without evidence or victim testimony, relying on presumptions.
- Recycling Allegations Across Courts – Family court findings are used in criminal proceedings, increasing wrongful conviction risk.
- Erosion of Legal Safeguards – Blurring civil and criminal boundaries weakens the presumption of innocence, cross-examination rights, and evidence standards.

A Trojan Horse for Preventive Punishment

Section 70 does not close a loophole—it opens one. It fosters:

1. Chaos in family law, then exportation to criminal law;
2. Conviction without scrutiny, bypassing fair trial safeguards;
3. A system where fear and intimidation replace investigation.

In practice, untested allegations can lead to criminal consequences, often without trial or the ability to challenge claims. Section 70 institutionalises preventive punishment, where mere accusation may suffice for restriction or conviction.

Section 34 DAA 2021

and the Abolition of Legal Defence: How the Respondent Becomes a Faceless "P"

Section 34 of the Domestic Abuse Act 2021 marks a critical moment in the transformation of the British judicial system into a mechanism of extrajudicial punishment.

Modeled almost word-for-word on the already notorious Section 45 of the Family Law Act 1996, Section 34 allows courts to impose Domestic Abuse Protection Orders (DAPOs) without notice, without trial, and without the participation of the accused.

Whereas Section 45 FLA 1996 referred to a "respondent"—a party with legal standing and rights—Section 34 replaces this with a faceless "P", stripping the individual of procedural identity and effectively removing their right to defend themselves.

Key Issues:

- Punishment without Process: DAPOs can be issued without

evidence of wrongdoing, without allegations of criminal acts, and without giving the accused any chance to respond before enforcement.

- No Due Process: The accused is no longer presumed innocent, but treated as a threat in need of pre-emptive restriction.
- Legal Deception: The text of Section 34 mimics the already discredited Section 45 FLA 1996, yet ignores years of judicial guidance and High Court rulings clarifying the latter's flaws.
- Symbolic Erasure of the Defendant: Replacing "respondent" with "P" is not just a linguistic shift—it is a legal tactic aimed at abolishing the adversarial trial model.
- Routine Emergency Orders: What were once exceptional, interim measures (ex-parte orders) have become normalized, often morphing into indefinite restraining regimes.
- No Return Date: The traditional safeguard—a follow-up hearing with both parties—is now routinely omitted or replaced with vague procedural suggestions, leaving the burden on the accused to request justice.

Systemic Consequences:

- Judicial Abdication: Judges, under pressure from campaigners, media, and legal advisors, routinely approve draft orders written by applicant's' solicitors—without scrutiny.
- Weaponisation of the Law: Lawyers have learned to exploit vague wording to silence, discredit, or criminalise targets—including through clauses preventing the accused from reporting crimes.
- False Legitimacy: Many defendants are punished for breaching orders that are technically unlawful or expired, leading even magistrates to request clarification from the High Court.

Conclusion:

The substitution of "respondent" with "P" is more than symbolic—it is a calculated step toward eliminating the trial as a space for defence, evidence, or justice. The Domestic Abuse Act thus facilitates the emergence of a new judicial paradigm, in which guilt is presumed, punishment is administrative, and the right to challenge state power has been quietly dismantled.

This section provides legal and documentary evidence of a broader agenda: the transformation of British courts into instruments of preemptive and symbolic punishment, cloaked in the rhetoric of victim protection.

Conclusion:

Legalised Paranoia as Social Order — From Liberal Protection to Total Legal Vulnerability

The Domestic Abuse Act 2021 is the crowning point of decades-long juridical mutation. Since the 1990s, British law has abandoned clear offences and individual responsibility. It now operates on fear, emotion, and perceived risk. Facts no longer matter. Moral urgency overrides reason. Legal certainty is a relic of the past.

Under this regime:

- Conflict is no longer a dispute—it is abuse.
- Words are no longer speech—they are weapons.
- Protection is no longer safety—it is punishment.
- Freedom is no longer liberty—it is conditional, provisional, fragile.

This is not law restraining power. This is law extending power. The state punishes perceptions. The Act does not merely regulate violence—it redefines society, granting the state unchecked authority over private life.

People are no longer holders of rights. They are holders of permissions, revocable at a whim. Every liberty—movement, expression, parenting, association—can vanish without trial, without evidence, without warning. Fear is now the law.

The legal architecture of three decades has matured: law is no longer neutral. It enforces ideology. It punishes conduct, perception, and thought. Justice is no longer adjudication—it is management.

The Act is totalising. Any action, any word, any memory can be criminalised if labeled "abuse." This is not the limitation of power—this is its internalisation. Its logic is simple and terrifying:

- You are free—until someone feels unsafe.
- You may speak—until it is deemed coercion.
- You may parent, move, or exist—until the state says otherwise.

This is not the rule of law. This is governance through fear, cloaked in the rhetoric of compassion. The presumption of innocence is gone. Civil order no longer arises from shared norms. It arises from unilateral, invisible decrees imposed on behalf of an unchallengeable "victim."

The truth is stark: the Domestic Abuse Act does not reform justice—it eradicates it. It dismantles Common Law principles. It strips protections. It converts individuals into passive objects of state control.

With this Act, Britain now possesses the legal machinery for totalitarian governance. No law, no constitution, no institution can resist it. The architecture of control is complete. The citizen exists not as a rights-holder, but as a perpetually vulnerable subject, where freedom is an illusion and legality is a memory.

With the passage of the Domestic Abuse Act 2021, Britain now possesses the complete legal machinery for a totalitarian regime. Every preparatory mechanism has been installed. No law, no constitutional safeguard, no institution can resist it. The architecture of control is total: the citizen exists not as a rights-holder, but as a perpetually vulnerable subject, where freedom is an illusion, legality is a memory, and every personal act may be subordinated to the will of the state.

Should such a totalitarian regim be desired, there is nothing within the current legal or constitutional framework capable of resisting it. The architecture of control is complete and every personal act may be subordinated to the will of the state—leaving the individual entirely powerless.

Analytical Table: Domestic Abuse Protection Orders (DAPO) under Domestic Abuse Act 2021 (UK)

Aspect	Description	Legal/Procedural Effect	Critical Observations
Legal Nature	Hybrid: civil in issuance, criminal in enforcement	Can be issued without criminal charge or conviction	Blurs the line between civil precaution and criminal

Aspect	Description	Legal/Procedural Effect	Critical Observations
			punishment
Grounds for Issuance	"On the balance of probabilities" that the respondent has been abusive or poses risk of abuse	No requirement to prove intent or harm beyond reasonable doubt	Risk-based rather than evidence-based; open to subjective interpretation
Types of Alleged Abuse	Physical, emotional, economic, psychological, or "coercive control"	Undefined scope—includes feelings of fear, distress, or discomfort	Legal ambiguity: allows almost any behaviour to be reframed as abuse
Initiators	Police, prosecutors, courts, or alleged victims (direct or via application)	DAPO may be applied without complainant's participation	Can be issued on purely institutional initiative—potential for overreach
Notice to Respondent	Can be made "without notice" (ex parte), if court deems risk of harm	Respondent may not be aware before restrictions apply	Undermines adversarial process and right to be heard (Article 6 ECHR risk)
Scope of Restrictions	Can prohibit contact, communication, residence, movement, behaviour	Flexible and tailored to case—but wide discretionary power	Allows severe intrusion into personal life without trial or conviction
Duration and Renewal	Can be extended or modified indefinitely by court	No cap on renewal—open-ended legal vulnerability	Absence of finality or legal certainty; resembles administrative control model
Enforcement	Breach is a criminal	No need to prove	Criminal

Aspect	Description	Legal/Procedural Effect	Critical Observations
	offence (up to 5 years' imprisonment)	original abuse—only breach of order	consequences arise from civil process without standard safeguards
Appeal and Review	Technically appealable; in practice appeals rare and burdensome	No automatic mechanism to review proportionality or legality	Lack of oversight opens path to misuse, especially by strategic litigants
Interaction with Other Orders	Can overlap or run parallel with Non-Molestation Orders, Restraining Orders	May cause legal duplication, confusion, or conflicting terms	Adds to legal chaos and undermines individual's ability to comply or defend
Institutional Incentives	Encouraged by state funding, victim policy targets, and NGO pressure	Police and courts incentivised to "err on the side of caution"	Institutional pressure favours issuance over rigorous scrutiny
Underlying Assumptions	Prioritises risk prevention over individual rights or due process	Based on precautionary logic, not criminal adjudication	Shifts justice from retrospective accountability to preemptive control

Core Legal Defects Introduced by the Domestic Abuse Framework

- **Lack of clear definitions in core legal terms**
  Key concepts such as *"abuse"*, *"control"*, and *"coercion"* remain vague, subjective, and undefined in statutory language. This enables arbitrary interpretation, strategic misuse, and ideological expansion without legislative oversight.

- **Use of civil standard of proof for quasi-criminal sanctions**
  Severe restrictions—such as removal from home, bans on communication, and movement restrictions—are imposed using the *balance of probabilities* rather than *beyond reasonable doubt*, breaching the principle of proportionality and undermining criminal safeguards.
- **Legalisation of blanket prohibitions on fundamental human rights**
  The legal framework explicitly permits authorities to impose *any* restrictions on *any* human right (e.g., speech, movement, association, parenting such as banning contact with children, restricting use of internet, or limiting movement, all without trial or conviction.) based solely on non-adjudicated allegations, dismantling the very concept of inalienable rights.
- **Ex parte procedures breach the principle of audi alteram partem**
  Restraining orders and DAPOs may be issued without the accused being present, notified, or heard—reviving a form of secret justice incompatible with due process.
- **Unlimited duration and flexible modification undermine legal certainty**

Protective orders can be extended, expanded, or modified indefinitely, turning temporary emergency tools into permanent states of control with no clear endpoint.

- **"Prevention" logic supplants evidence-based adjudication**
  The core legal shift from actual harm to anticipated risk allows for interventions based on fear, prediction, or emotion—not proof—breaking with centuries of common law reasoning and making fear a lawful basis for coercion.
- **DAPO structure empowers state action without wrongdoing**
  The Domestic Abuse Protection Order (DAPO) empowers police, local authorities, and courts to impose life-altering sanctions without the need for a crime, charge, or conviction—transforming the justice system into a mechanism of pre-crime governance.

Supplement:

DAPOs as a Universal Instrument: From Legal Experiment to Nationwide Flood

The Domestic Abuse Protection Order (DAPO) was designed as a universal legal instrument, capable of imposing virtually any restriction on an individual under the guise of protection. Over the past 20 years, the UK legal system has seen a deliberate proliferation of different types of orders. Many of these overlapped or repeated one another, often without clear purpose, yet none approached the sheer breadth and discretion of the modern DAPO.

Previously, wide-reaching restrictions were sometimes applied, but often illegally or through convoluted procedural schemes. With the DAA 2021, however, these measures are now legally sanctioned and openly enforceable. Any action can potentially be framed as abuse, allowing courts to issue restrictions that were previously impossible or covert. The law thus transforms protection into preemptive, pervasive control, and a single order can impose virtually limitless prohibitions.

The pilot rollout demonstrates this new reality:

- Greater Manchester issued its first indefinite DAPO by August 2025, quietly signaling the arrival of an order without temporal limit.
- Cleveland had already issued over 120 DAPOs, showing how rapidly these tools can proliferate once the legal framework permits it. It takes little more than announcing incentives and steering the police—already trained for the new regime—in that direction

Under this new regime, the entire country could be inundated with restrictions, creating a climate in which citizens are afraid of even ordinary actions. What was once a patchwork of overlapping, sometimes redundant orders is now replaced by a legally robust instrument that can cover any perceived risk, making preemptive control both transparent and enforceable.

In other words, the DAA 2021 has formalized what was previously quasi-legal or illicit, allowing courts to deploy unlimited restrictions under

the banner of protection, and turning the justice system into a predictive mechanism of compliance.

Chapter 18

DIGITAL POLICING

and the Future of Preventive Orders

- Crime and Policing Act 2022
- Serious Harm Prevention Orders (SHPOS)
- At how policing becomes predictive rather than responsive
- Electronic Tagging, Surveillance, Algorithmic Risk Models
- The rise of data-driven "pre-crime" systems
- Risk assessments replacing legal guilt
- The future of law as automated behavioural management

The Post-Legal Turn toward Flexible Risk Management

(—that is to say, administrative power unchecked by courts.**)**

The British justice system has undergone a gradual but profound transformation over the past three decades. Measures once exceptional in their scope, such as the *Protection from Harassment Act 1997*, laid the groundwork for civil–criminal hybrid instruments. Later, *Domestic Abuse*

Protection Orders (DAPOs, 2021) and *Serious Harm Prevention Orders*(SHPOs, 2022) marked the system's move from post-factum adjudication toward preemptive control.

This transformation coincides with the emergence of digital policing and predictive analytics. Where law traditionally responded to established wrongdoing, it is now increasingly oriented toward the management of potentiality. Evidence and guilt are being replaced by suspicion and probability; the courtroom is displaced by dashboards and algorithmic alerts. In Theresa May's 2015 words: *"We are transforming policing from a reactive service to one that pre-empts risk."*

1. Historical Roots: From Civil Remedies to Predictive Control

The shift toward preemptive justice did not emerge overnight. Key legal instruments paved the way:

- Family Law Act 1996, Part IV introduced non-molestation and occupation orders, allowing courts to restrict behaviour civilly, without criminal conviction.
- Protection from Harassment Act 1997 (PHA) created the first hybrid civil-criminal framework: harassment could be pursued as a tort or as a criminal offence, often relying on minimal evidentiary thresholds.
- Domestic Abuse Protection Notices (DAPNs, 2021) and Orders (DAPOs) extended this logic to emergency police-issued restrictions, sometimes without a complaint.
- Serious Harm Prevention Orders (SHPOs, 2022) institutionalised preemptive intervention for individuals deemed at risk of causing harm, even absent past crimes.

The cumulative effect of these reforms is a legal landscape where restriction precedes wrongdoing, and civil–criminal boundaries blur. What was once exceptional has become normalized.

2. Predictive Infrastructure: Surveillance and Data Extraction

The practical implementation of preemptive law relies on a dense network of digital tools.

Technologies and frameworks:

-

- Electronic tagging and geolocation monitoring: These devices track movement in real time, allowing the police to enforce restrictions or detect breaches automatically.
- Social media scraping and automated surveillance: Posts, messages, and even "likes" are analysed for risk indicators.
- Risk dashboards: Integrated platforms such as *Athena* and *Niche RMS* consolidate inputs from multiple agencies, including police, probation, social services, and housing departments.
- Algorithmic tools: HART (Harm Assessment Risk Tool) and DASH (Domestic Abuse, Stalking, Honour-Based Violence) analyse variables to classify individuals by predicted risk.

Data points include:

- Movement, contact patterns, and location history;
- Previous complaints and minor offences, regardless of conviction;
- Psychological indicators, such as tone of voice in emergency calls;
- Health records, housing alerts, and community intelligence.

This ecosystem constructs a comprehensive risk profile for every individual in the system. Importantly, subjects are often unaware of their status and lack effective avenues to challenge their classification. Prediction replaces investigation; suspicion becomes enforceable.

3. Hybrid Orders in Practice: DAPNs and SHPOs

3.1 Domestic Abuse Protection Notices (DAPNs)

Introduced under the *Domestic Abuse Act 2021*, DAPNs allow police officers to impose emergency restrictions without judicial approval. A single DASH assessment can trigger a notice, which can then escalate to a DAPO hearing. Often, no victim complaint is necessary, and material evidence is not required.

Mechanisms of escalation:

- Police officer records risk in digital dashboard (Athena, Niche RMS).
- Dashboard generates notice and triggers automatic notifications for court consideration.

- If escalated to DAPO, restrictions are enforceable with criminal penalties for breach.

The process illustrates a radical inversion: administrative suspicion now produces legal consequence, bypassing traditional adversarial scrutiny.

3.2 Serious Harm Prevention Orders (SHPOs)

The *Police, Crime, Sentencing and Courts Act 2022* created SHPOs to restrict individuals at perceived risk of causing serious harm. Thresholds are deliberately vague: the court intervenes if "satisfied there is a risk." Conviction is not required, but breach carries imprisonment.

Integration with digital systems:

- MAPPA dashboards collect inputs from police, probation, housing, and child protection services.
- SHPOs are logged in the Police National Computer and monitored automatically.
- Orders can be amended, extended, or triggered based solely on updated digital data, not fresh legal evidence.

Comparison Table: Traditional vs. Digital Regime

Aspect	Traditional Legal Process	DAPNs / SHPOs (Digital Regime)
Legal Basis	Proven crime and individual guilt	Algorithmic risk, suspicion, future harm
Procedure	Courtroom trial, adversarial process	Administrative issuance, dashboard-based logic
Evidence	Sworn testimony, cross-examination	Risk forms, digital service notes, electronic logs
Duration	Time-limited, reviewed by judge	Easily renewable or indefinite
Appeal	Guaranteed, formally	Technically allowed but rarely

Aspect	Traditional Legal Process	DAPNs / SHPOs (Digital Regime)
Rights	structured	effective

The result is preemptive governance: suspicion itself is now actionable, and the line between investigation and sanction collapses.

4. Case Example: Durham HART

Durham Constabulary's HART system categorises suspects into high, medium, or low risk of reoffending. Variables include postcode, prior contact, demographics, and offence history. Decisions about bail, diversion, or monitoring are guided by these classifications, even for individuals without criminal convictions.

Key issues:

- Algorithmic opacity: citizens cannot see or contest risk scores.
- Automated escalation: dashboards flag high-risk individuals for multi-agency intervention.
- Legal consequences without crime: preemptive restrictions replace judicial reasoning.

As a Home Office paper stated in 2021: *"We must move beyond rigid legal categories toward flexible risk management."* Flexibility, in practice, translates to administrative power unchecked by courts.

5. Algorithmic Risk and Behavioural Management

As digital policing matures, the law itself is being recast as a tool for behavioural management rather than adjudication of wrongdoing. Rights and liberties are increasingly conditional, suspended whenever risk algorithms indicate potential harm. Court procedures are bypassed through dashboard-issued restrictions, summary notices, and civil orders with criminal penalties.

Key features of this new logic:

- Conditional rights: freedom of movement, speech, or residence can be curtailed based on risk assessment, rather than proven acts.

- Data-defined identity: individuals are represented as profiles, aggregating service contacts, social networks, prior complaints, and geographic data.
- Administrative enforcement: breaches of digital or civil orders trigger criminal sanctions without trial.

The citizen is managed not for past actions but for projected behaviour. The National Policing Digital Strategy (2020) stated: *"We must be proactive, not reactive. That means intervening before harm occurs."* In practice, this transforms suspicion into enforceable reality.

6. Feminist Reforms as Infrastructure for Digital Control

Feminist legal reforms, originally intended to protect and empower, have been integrated into predictive policing infrastructures:

Feminist Claim	Legal Translation	Digital Implementation
"Believe victims"	Presumption of truth	Automatic risk escalation without evidentiary challenge
"Safety over process"	Orders without trial	DAPNs and SHPOs issued via dashboards and flagging systems
"Stop coercive control"	Expanded definitions of abuse	Behavioural patterning via tools like DASH, HART, and AI

NGO as Interface:

NGOs such as *SafeLives*, *Women's Aid*, and *Refuge* act as intermediaries between civil society and state enforcement. Funded by the Home Office, they help design risk matrices, contribute to police training, and supply data for predictive dashboards. Activist language becomes codified, enabling administrative intervention bypassing legal safeguards.

A policy advisor to the Violence Against Women and Girls Unit noted: *"Risk is the new evidence; emotion the new testimony."* Here, moral authority and activism merge with algorithmic governance, creating a legitimizing framework for preemptive restrictions.

7. The Post-Gender Victim

In algorithmic justice, the archetype of the "victim" has undergone radical transformation:

- Identity becomes fluid: no longer defined by sex, history, or context.
- Proof is unnecessary: subjective fear and distress are sufficient triggers for legal intervention.
- Automatic activation: once coded as a risk factor, the system enforces restrictions immediately, with little possibility of reversal.

A 2024 research summary on algorithmic victimhood concluded: *"The victim becomes code: she activates the system. And once activated, there is no reverse."*

Consequences:

- Rights of ordinary citizens collapse around the coded "victim."
- Criticism of interventions is discouraged, as questioning the automated system is equated with undermining protection.
- The victim is transformed from a person into a sovereign trigger that compels the state to act.

This abstraction consolidates the post-legal paradigm: administrative compliance and algorithmic authority replace evidence-based adjudication.

8. Comparative Implications: Traditional Justice vs Predictive Governance

Aspect	Traditional Justice	Predictive Digital Governance
Legal Basis	Proven crime and individual guilt	Algorithmic risk, suspicion, future harm
Procedure	Courtroom trial, adversarial process	Administrative issuance, dashboard-based logic
Evidence	Sworn testimony, cross-examination	Risk forms, digital service notes, electronic logs
Duration	Time-limited, reviewed by judge	Easily renewable or indefinite
Appeal Rights	Guaranteed, formally structured	Technically allowed but rarely effective

The cumulative effect is a post-legal system: individuals are scored and monitored, legal orders replace trials, and justice is administratively pre-programmed.

Conclusion: From Law to Code, From Rights to Risk

The British justice system has been fundamentally inverted:

- Guilt is no longer required; predictive scores suffice.
- Process is no longer guaranteed; administrative escalation substitutes for trial.
- Compliance is algorithmically enforced; surveillance and orders maintain social control.

Citizens are treated as scored threats, victims as coded activators. The courtroom is replaced by dashboards, legal reasoning by statistical probability. The law, once the guarantor of rights and accountability, is now a mechanism of anticipatory management.

This is not evolution—it is dissolution: a legal system transformed into predictive governance, where the future overrides the past, and potentiality dictates constraint.

Comparative Table of Predictive and Preventive Orders in UK Law

Order Type	Legal Basis	Issued On	Standard of Proof	Restrictions Imposed	Breach = Criminal?	Digital Tools Involved	Critical Concerns
DAPO (Domestic Abuse Protection Order)	Domestic Abuse Act 2021	Risk of abuse (past or future)	Balance of probabilities	Contact bans, exclusion, behavioural restrictions	✅ Yes — up to 5 yrs	Risk assessment tools; database flagging	Vague definitions of "abuse"; issued ex parte; criminal penalty without conviction
SHPO	Police,	Potential	"Court is	Communicat	✅ Yes	Intelligen	No crime

Order Type	Legal Basis	Issued On	Standard of Proof	Restrictions Imposed	Breach = Criminal?	Digital Tools Involved	Critical Concerns
(Serious Harm Prevention Order)	Crime, Sentencing and Courts Act 2022	for serious harm (terrorism, gangs, etc.)	satisfied" there *may be* risk	ion, travel, employment, residence bans	— criminal penalties	ce profiling; movement tracking; digital footprint	required; future-based restrictions; algorithmic suspicion
SRO (Sexual Risk Order)	Sexual Offences Act 2003 (amended 2015)	Risk of sexual harm from individual without conviction	Civil standard	Device confiscation, movement limits, no-internet clauses	✅ Yes	Online behaviour monitoring, metadata tracking	Applied without criminal charge; heavy stigma; indefinite duration
DAPN (Domestic Abuse Protection Notice)	Domestic Abuse Act 2021	I mmediate police assessment of domestic risk	Police officer decision	Forced removal from home, no contact	⚠️ Breach → escalates to DAPO + criminal	Officer dashboards; rapid threat scoring	No court involvement; issued without hearing; can trigger DAPO cascade
PIN (Police Information Notice — deprecated but still	Non-statutory (discretionary tool)	Complaint received (harassment-related)	No proof needed	None legally binding but creates police record	❌ Not criminal itself, but used as evidence	Often database-only; used in pattern tracking	Not appealable; creates data trace; facilitates future orders

Order Type	Legal Basis	Issued On	Standard of Proof	Restrictions Imposed	Breach = Criminal?	Digital Tools Involved	Critical Concerns
in use)							
TEO (Terrorism Exclusion Order)	Counter-Terrorism and Security Act 2015	Belief individual has engaged in terrorism-related activity	Reasonable suspicion	Passport seizure, relocation, curfews, movement restrictions	✅ Yes	GCHQ input, algorithmic profiling, intelligence databases	Entirely pre-crime; no conviction required; limited legal challenge

Part IV

Consequences and Resistance

Chapter 19

THE INVERSION OF JUSTICE:

How British Law Turns Judges, People and Liberties into Tools of Control

Key issues:

- The Judge as a Political Enforcer
- The Citizen as a Presumed Threat
- Law as Prevention: Punishment Disguised as Protection

1. The Judge as a Political Enforcer

The modern British judiciary has been redefined. Judges are no longer neutral adjudicators of fact and law. Under preventive justice, they act as bureaucratic enforcers of state policy, tasked with managing social risks, anticipating future harm, and issuing coercive orders based on what might occur, rather than on proven guilt.

This transformation is reinforced by:

- Civil orders carrying criminal penalties (DAPOs, SHPOs, SROs),
- Ideological judicial training in "trauma-informed" and "survivor-centred" frameworks,
- Political pressure to prioritise protection via coercive measures over legal procedure.

The role of the judge is no longer dispute resolution, but affirmation of victim narratives and enforcement of restrictions, often without trial.

Courts function as administrative control stations, validating police or algorithmic decisions.

Protection is imposed, not requested—even against the alleged victim's will. Under the DAA 2021, any third party (Person A) may claim that another individual (Person B) is a "victim" of abuse perpetrated by Person C—that is, that Person C's actions or omissions cause Person B emotional harm. On the basis of such a statement by Person A, the court in obliged to impose coercive measures against Person C. The supposed victim's own testimony carries no decisive weight; if Person B denies abuse or seeks to justify Person C's behaviour, such denial is treated not as evidence of innocence but as proof that Person C has intimidated or manipulated the victim.

2. The Citizen as a Presumed Threat

The presumption of innocence has quietly disappeared. Individuals are treated as threats not for past acts, but for feelings, perceptions, or algorithmic predictions. Risk replaces guilt; suspicion replaces evidence. People must prove they are not dangerous, rather than the state proving they are. Crucially, the law is designed so that justification or defence is not merely difficult—it is structurally excluded.

In practice:

- Individuals can be ordered out of their own homes,
- Banned from seeing their children,
- Prohibited from speaking, approaching, or communicating—all without a conviction.

Moreover, the statute practically invites abuse. Any person can become the target of sweeping prohibitions, regardless of actual conduct. Already in 2013–2014, the author personally encountered this legal grey zone and can document cases where, through minor procedural manipulations, lawyers—trained specifically in exploiting this field—were able to obtain orders preventing opponents from even participating in court proceedings against their clients.

The modern legal subject is thus born preemptively guilty. Compliance is demanded under threat, but following restrictions still erodes liberties. Disobedience risks imprisonment; obedience enforces social and personal erasure.

3. Law as Prevention: Punishment Disguised as Protection

Historically, law protected people from arbitrary state power. >Under the banner of safeguarding and gender justice, it has been recast to control potential threats. Instruments such as:

- DAPO (Domestic Abuse Protection Order),
- SHPO (Sexual Harm Prevention Order),
- SRO (Serious Risk Order),
- PINs (Police Information Notices),

…now function as preemptive tools, bypassing due process and converting potentiality into penalty. The Domestic Abuse Act 2021 formalized measures that were previously illegal or applied through informal schemes.

Pilot DAPO rollout illustrates the system in practice:

- Greater Manchester issued its first indefinite DAPO in August 2025.
- Cleveland had already issued over 120 DAPOs by August 2025, signaling not only local enthusiasm but the beginning of a nationwide race between police and courts—a contest over who can impose restrictions faster and more extensively. Soon this process may become automatic.

Under the Domestic Abuse Act, virtually any action can be reframed as "abuse," empowering courts to impose almost unlimited restrictions.

What was once a patchwork of overlapping and sometimes redundant orders has now crystallized into **a** single universal instrument.

People no longer face restrictions because of crimes committed, but because of what they *might* do—because their actions are perceived as potentially harmful, or simply because third parties have an interest in having such restrictions imposed.

Side Note:

The Circular Trap of Compliance

The accused is told:

"This is not punishment. Just obey the restrictions and you will not be punished."

Yet restrictions:

- Limit speech,

- Prohibit contact,
- Exclude from public spaces.

Obey, and liberties vanish. Disobey, and imprisonment looms. Preemptive control masquerades as protection.

Conclusion: From Adjudication to Algorithm

Justice in Britain is increasingly about anticipatory regulation, not evaluating evidence. This inversion:

- Transforms judges into ideologues,
- Turns safeguards into procedural theatre,
- Reduces citizens to data points of suspicion.

The Domestic Abuse Act 2021 and the orders it created are not anomalies, but the culmination of decades of legal transformation. Law has become administration without accountability, rights exist only in form, and the citizen is constantly subject to preemptive, unlimited restrictions.

Chapter 20

PIPELINES OF REPRESSION:
The Industrialisation of Domestic Abuse Enforcement

Mass-Production Pipelines for Restraining Orders

What began as a legal framework intended to protect victims of abuse has been transformed into a sprawling industrial apparatus.

Law, rhetoric, and digital infrastructure intersect to create a system where accusations alone can trigger far-reaching punitive measures. Platforms such as CourtNav—presented as tools for legal access—function in practice as mass-production pipelines for restraining orders. By standardising applications, providing templates, and guiding users step by step, they transform individual grievances into formal court processes automatically.

Automation of Accusation

Through these systems, a single click or submission can set in motion coercive measures against an alleged offender. The process is largely irreversible: even if the person identified as a "victim" later recants or asserts that no harm occurred, the system interprets such statements as evidence of intimidation or manipulation by the accused. The legal machinery does not pause to evaluate the truth; it treats procedural activation as sufficient to justify intervention.

Partner Networks as Spreaders

CourtNav and similar platforms actively seek partnerships—law firms, charities, and local authorities—expanding their reach across the country. Each partner contributes to the amplification of claims and benefits from the continued growth of the system, whether through funding, reporting metrics, or increased influence. This networked structure ensures that the pipeline remains active and self-sustaining, producing a continuous flow of cases.

Predatory Logic

These organisations operate like predators exploiting opportunity: ordinary conflicts or misunderstandings can be converted into allegations of abuse. The system feeds on human interaction itself, and the very infrastructure encourages the escalation of disputes into formal, legally enforceable orders. The metaphor is apt: like birds descending upon carrion, the network descends upon any available conflict to process and codify it into the pipeline.

No Way Back

Once triggered, these pipelines rarely allow for reversal. Orders issued through digital systems, often without trial or evidence, are difficult or impossible to retract. Individuals find themselves subjected to bans, restrictions, or social and legal penalties, not because of proven wrongdoing but because of the mere activation of the system.

The Industrialisation of Repression

Ultimately, these platforms reveal the transformation of justice into an industrial process. What was once a discretionary, human-centred intervention has become a mass-produced, quasi-automated mechanism of control. The incentives of the participating organisations—financial, reputational, or administrative—align with the expansion of the pipeline, ensuring that the process continues independent of actual need or proportionality. In this way, the legal system itself, aided by technological and institutional intermediaries, becomes a vehicle for the industrialisation of repression.

Chapter 21

PLAYGROUND OF FEAR:

How Everyone's Invited Corrupts Childhood and Normalizes Control

The most disturbing aspect of those who conceived this entire "abuse" project is that, as the saying goes, they "came for our children." From an early age—when minds are still forming—they set about corrupting young lives, effectively preparing a new generation for manipulation.

As part of spreading an atmosphere of fear, suspicion, and the fabrication of threats, the platform *Everyone's Invited* was created in 2021, violating multiple legal boundaries. Just as children were once encouraged to invent fairy tales about kind wizards and princesses, they are now compelled to create stories about being abused by parents, relatives, friends, and teachers. Children are forced to read and produce these accounts—content that should legally be restricted to adults—thereby normalizing fear, suspicion, and self-policing.

The requirement of anonymity shields fabricated stories, authored either by staff or participants, ensuring no accountability while cultivating a culture of perpetual threat, fear, and suspicion—echoing the logic of preventive legal instruments such as DAPOs. Any testimony with a real name could trigger an investigation, which might disprove the claim and force the site to shut down. The platform's goal is not to reveal the truth,

but to manufacture threats.

From the outset, the platform was deliberately designed to appeal to children: bright colors, staged photographs of staff posing as peers, adults making exaggerated faces or acting silly, and interactive elements resembling a game. Through this "game," the site aimed to:

- Instill a culture of surveillance and suspicion from an early age, teaching children to perceive enemies and abusers everywhere.
- Spread an atmosphere of fear and distrust starting in primary school.
- Publicize lists of schools where abuse supposedly thrives, intimidating staff.
- Foster interactions that pit children against each other and against adults.

The platform asserts: "*Our purpose is to emphasise that rape culture exists everywhere, not to point a finger at selected primary schools. The sheer number of testimonies reveals that rape culture is prevalent in all schools.*"

In reality, many of these testimonies were authored by the platform's own team. Their goal is unmistakable: to instill the belief that every primary school is a source of threat and that abuse pervades all schools. To reinforce this narrative, they continually update their list of "affected" schools; as of August 2025, it includes 1,664 primary schools.

From the age of three, children are encouraged to probe their memories for incidents, interpret them as malicious, and contribute to a narrative of constant threat—thereby reinforcing the site's claim that "rape culture" pervades every primary school. Children who participate and echo these stories, like other children, are labeled "brave survivors" and publicly praised.

What began as a simple website presented as a private initiative soon revealed itself to be part of a larger, well-funded operation.

The founder of Everyone's Invited, Soma Sara, is an enigmatic figure with no documented past. Key details—such as her place of birth, age, ethnic background, upbringing, and education—remain largely unknown. The only confirmed fact is that she holds a university degree, though even the year is undisclosed.

Behind this carefully crafted public image, however, lie substantial financial investments and institutional backing. The platform's design,

scale, and reach indicate that it is not merely a grassroots initiative, but part of a broader apparatus capable of shaping public perception, social norms, and even young people's understanding of relationships and behaviour.

A figurehead with a concealed past, backed by substantial resources, transforms the platform into a self-perpetuating mechanism of moral surveillance.

The deliberate "cleansing" of the founder's history is a common tactic in campaigns presented as charitable or protective. By removing any past controversies or potentially problematic connections, the individual appears neutral, competent, and trustworthy.

This clean slate makes it easier to form partnerships, gain media attention, influence politics, and expand quickly, while avoiding scrutiny. The absence of historical baggage shields both the founder and the initiative from early criticism, making them seem almost untouchable, even when their methods or goals are questionable.

From the outset, a team of so-called "writers" was recruited to produce allegedly anonymous letters from children reporting abuse. At first, they were explicitly labeled as writers; over time, their titles shifted to creators, volunteers, or educators, lending an air of legitimacy. However, a careful look at the origins reveals that much of the content was fabricated. The objective was deeply perverse: to create a comprehensive database of stories spanning primary schools through to universities.

As a result, reputations were tarnished, authority was undermined, and politicians, reacting to the perceived crisis, introduced new rules or interventions—often without verifying facts.

This process demonstrates how unsubstantiated claims can be weaponized to justify restrictions, normalizing fear, suspicion, and preventive coercion from an early age. In effect, the platform functions as a pilot program for broader social and legal control, conditioning society to accept oversight, restrictions, and intimidation long before any formal legal process takes place.

Chapter 22

THE SILENCING OF DISSENT

Introduction:

This chapter explores how dissent is increasingly delegitimised in the UK through legal mechanisms designed not to prosecute proven crimes, but to restrain, stigmatise, and neutralise individuals deemed "troublesome." Under the guise of public protection, the justice system punishes intent, suppresses criticism, and discourages legal resistance through structural intimidation and psychological discreditation.

Targeting Individuals Without Proven Crimes

Legal action increasingly focuses on perception rather than fact:

- Arrests under vague categories like "public nuisance" or "malicious communications" mark individuals as offenders, even though prosecutions are rare.
- Civil injunctions, Domestic Violence Protection Orders (DVPOs), and other ex parte measures impose sweeping restrictions—speech bans, movement controls, eviction—without criminal conviction. Breaches can result in imprisonment, despite the absence of tested evidence.
- Psychiatric referrals are increasingly used to discredit those who challenge or resist, framing protest as instability rather than injustice.

Institutional Pressure and Coercion

Enforcement is top-down and systematic:

- Police report pressure to apply domestic abuse and harassment policies aggressively, often without sufficient evidence.
- Citizens are forced to question their reality, intimidated into compliance, and punished for resistance.
- Legal professionals face "advice deserts" due to LASPO 2012, while those representing state-overreach cases risk marginalisation, professional backlash, and reputational harm.

Silencing Critics

Public critics—lawyers, journalists, academics, or affected individuals—are often labelled "vexatious," "obsessive," or "unstable." Civil preventive orders are applied under looser standards than criminal law:

- Balance of probabilities replaces beyond reasonable doubt,
- Ex parte hearings limit cross-examination,
- Evidence may remain undisclosed.

Judges and lawyers resisting overreach risk career stagnation or informal sidelining. The net effect is chilling: silence and self-censorship are safer than advocacy.

Summary: From Actions to Attitudes

This chapter maps a surveillance–punishment loop targeting dispositions rather than deeds. Vague arrests, ex parte restrictions, psychiatric labelling, and legal aid erosion form a system where dissent is pathologised, proceduralised, and punished.

In this environment, protest is reframed as paranoia, resistance as risk, and critique as crime. The British justice system has shifted from adjudicating actions to managing attitudes, moving from safeguarding rights to suppressing those who assert them

Chapter 23

TOWARDS A CONTROLLED SOCIETY

Introduction

This chapter examines how the UK legal system has evolved into a mechanism of pervasive social control, where preventive orders, algorithmic risk assessment, and institutional coordination converge to regulate citizens preemptively. Under the guise of protecting the vulnerable, laws such as the Domestic Abuse Protection Order (DAPO) extend restrictions far beyond their original remit, allowing almost any individual to be targeted, monitored, or coerced.

Towards a Controlled Society

The evolution of British law over the past decades reveals a deliberate and calculated transformation. Laws ostensibly created to protect individuals—such as DAPOs, protective orders, and broadly defined "abuse" statutes—have been weaponized to impose pervasive control over people. Protection has become pretext; fear has become the instrument.

This is not an accidental drift. The system has been intentionally engineered to bypass the traditional safeguards of common law. The presumption of innocence has been eroded, the requirement for evidence sidelined, and ordinary citizens are no longer regarded as rights-bearing

individuals but as potential threats to be pre-emptively constrained. The law now operates on suspicion, feelings, and hypothetical risk rather than concrete actions, enabling preemptive restriction and coercion.

Social instruments mirror the legal design. Platforms like *Everyone's Invited* cultivate fear, suspicion, and mistrust from early childhood, conditioning children to see threats everywhere, to internalize surveillance, and to participate in a culture of accusation.

This is an experimental pilot for a society in which oversight, control, and intimidation are normalized before any legal proceedings even begin. Fear becomes instinct, compliance becomes automatic, and autonomy is systematically undermined.

The strategy is unmistakably malicious. By exploiting the vagueness of "abuse," manipulating language, and creating instruments that appear protective but function coercively, the architects of this system have established a mechanism of social engineering. Every preventive order, every fabricated accusation, every amplified allegation contributes to a society trained to accept control. The law no longer merely adjudicates—it pre-shapes behavior, instills obedience, and enforces conformity.

Citizens are stripped of certainty, subjected to arbitrary restrictions, and conditioned to accept limitations as necessary safeguards. Ordinary life has been transformed into a regime of oversight and fear, where noncompliance can be criminalized and even imagined threats are actionable. The cumulative effect is the construction of a controlled society: a legal, social, and cultural apparatus designed to mold behavior, suppress dissent, and expand state power under the guise of protection.

The architects of this system—whether judges, lawmakers, or institutional leaders—cannot claim ignorance. Their actions, the structures they have designed, and the instruments they have unleashed all point to deliberate design. This is not law for justice; this is law as a tool of domination. The warnings are stark: when protective measures become mechanisms of fear, when preventive coercion replaces due process, society risks becoming a place where freedom is an illusion, autonomy is impossible, and citizens exist under perpetual scrutiny.

The construction of this controlled society is complete in principle: legal instruments, social platforms, and cultural narratives converge to train individuals to accept fear, suspicion, and coercion as normal. The question

remains—how far will this engineered system of control go, and who will ultimately hold the architects accountable?

Epilogue:
Restoring Principles, Reclaiming Justice

British society today stands at a crossroads.

Laws once presented as tools of protection—such as DAPOs, SHPOs, and other civil orders—have quietly turned into instruments of surveillance and control. Instead of defending rights, they now restrict, monitor, and punish people before any crime is proven. Presumption of innocence has been replaced with suspicion, and due process with convenience.

For years the public accepted this, lulled by words like "prevention" and "protection." Like the frog slowly boiled in water, people did not notice how deeply the system had changed. The official story was trusted; few questioned it.

The author of this work comes from a different legal and cultural background—not shaped by the prevailing rhetoric. This distance allowed her to see what others, long accustomed to the narrative, could not.

By a stroke of serendipity, the entire machinery connected with preventive orders fell upon her with full force. It was a system malfunction: it had never been designed to deal with foreigners living abroad, with no ties to Britain. The apparatus of intimidation was intended for British citizens, who had long been conditioned to accept it as normal and unquestioned—a matter of course.

To her, it felt like stepping into a kingdom of crooked mirrors, or a theatre of absurdity, where police, judges, and officials carried out actions that were illogical, purposeless, and inexplicable from the standpoint of law or common sense. Observing this, she began asking simple, rational

questions—questions for which no convincing answers were offered.

Confronted with reason, they faltered, avoided answers, or simply repeated the behaviors they had been trained to perform, without understanding why.

She became intrigued: how could such a system exist, and what lay behind it all?

Through investigation and analysis, he has tried to cut through the fog of slogans and reveal the mechanisms hiding behind them.

And once that rhetoric is stripped away, the reality becomes clear: behind the mask of "protection" lies not safety but control by intimiation. As in the old fable, one can only say aloud what has long been hidden: the emperor has no clothes.

The goal of this work is not just to expose the problem, but to warn. Anyone who faces proceedings—whether a restraining order, a domestic abuse case, or another civil order—must remember: they may not simply be going through a neutral legal process. They may instead be caught inside a deliberately constructed system of control through fear.

This perspective matters for everyone—citizens, judges, lawyers, advisors, and officials alike. Every order signed, every restriction imposed may become another brick removed from the foundation of common law—a foundation carefully laid by the greatest minds of the past, whose stability and reputation the country still relies upon today. Each seemingly isolated action contributes to a broader, systematic dismantling of legal safeguards, turning instruments originally designed for protection into tools of pre-emptive control.

The choice remains with us. Law can protect, or law can dominate. What we accept in silence today will shape the freedoms of tomorrow.

Afterword

RESISTING THE BRITISH MODEL:

When Russians Said "No" to The Domestic Violence Bill

In October 2019, several members of the Russian parliament introduced a draft law on domestic violence. Although the proposed penalties were limited, the law sought to formalize "domestic violence" as a legal category—similar in effect to the early stages of the British *Family Law Act 1996*.

The discourse around the bill followed a familiar pattern, reinforced by identical visual propaganda: images of crying women, staged bruises painted on young activists' faces, and demonstrations orchestrated by NGOs.

These NGOs were the same actors pushing the same agenda across the globe, with strategies first tested on the British public and coordinated from a financial–globalist hub in London.

In Russia, the campaign unfolded nationwide—billboards, supermarket posters, media promotions—and culminated when a group of female MPs submitted the draft for discussion. At that time, in 2019, it was still politically acceptable to invoke "international practice" as a positive reference point.

The government opened a public consultation, allowing citizens to

submit feedback on the State Duma (parliament) website.

The reaction was extraordinary: in just a few days more than 11,000 people registered objections, a display of civic vigilance that forced the draft into suspension. To proceed further would have meant openly defying the expressed will of the people, though efforts to revive the bill have resurfaced intermittently since.

Russian people pointed to several deep flaws:

- The draft was not aimed at preventing actual violence but at legitimising state intervention in family life on vague, indefinite grounds, thus undermining basic freedoms.
- Lawyers argued it was unconstitutional, contradicted existing criminal, administrative, and family law, and risked corruption as well as social destabilisation.
- Advocacy groups such as *CitizenGo* warned that it portrayed the family itself as a source of danger, contrary to available statistics.

Specific concerns included:

- Violation of constitutional rights (privacy, property, housing, presumption of innocence).
- Overbroad terminology: "domestic violence," "suffering," and "threat" were so loosely defined that almost any intentional act could be subsumed.
- A wide field for corruption, granting NGOs and officials unchecked discretionary power.
- Risk of undermining family integrity, particularly in matters of custody, property, and everyday relations.

Even ordinary, less educated people asked a simple but incisive question: *if a new type of preventive order must be created for "domestic violence," should we not also legislate new orders against violence on the street, in the workplace, or on the staircase of an apartment block?* Their conclusion was that existing criminal laws already sufficiently punished violence.

This episode illustrates how Russian citizens can recognize and resist early attempts to smuggle vague preventive categories into law, thus preventing the establishment of mechanisms enabling arbitrary state control over family life. It also reveals a heightened civic sensitivity: Russians, unlike many Britons, retain an instinct that their opinion matters, that they can and must defend their legal order. Faced with this reaction,

the government naturally stepped back, recognising that to proceed would mean setting itself against the people.

The author, learning of the consultation on its final day, was horrified at the thought that her country might follow the same path as Britain. Unable to remain silent, she submitted a comment warning that once such a nebulous concept enters the legal system, it marks the end of law itself.

Comment made by Elena Vassilieva,
published on the website of the Russian Parliament (Duma), as part of the public debate on the Russian Domestic Abuse Bill (проект Закона по профилактике семейно-бытового насилия) proposed by some members of the Russian Parliament on the advice of British MPs.

The comment registered on 13 December 2019 at 16:29

My name is Elena Vladilenovna Vassilieva. I am from St. Petersburg. I lived in London for a long time.

I appear to be the ONLY person in Russia who was convicted and repeatedly subjected to the law from which the Russian draft bill was entirely COPIED — namely, the English Family Law Act 1996.

Therefore, my experience is unique for this country, and for the legal system which has not yet encountered such legal norms.

I was horrified when I learned about this draft bill. I am obliged to do everything in my power to prevent even the slightest possibility that this Act, and legal concepts such as "domestic violence" and "protective orders" (restraining orders and Non-Molestation Orders), could creep into Russian law. For now, Russia is the only jurisdiction free from this nonsense, and it must remain so, as an example to others.

Russian citizens must clearly understand the risky path they are embarking upon. The English experience shows that there will be no way back, only the gradual degradation of the legal and law-enforcement systems until their complete collapse.

In England, when these norms were adopted in 1996, no one foresaw the trap. Of course not! These legal terms — "prevention," "preventive measures," and so on — sound so innocent. Deception!

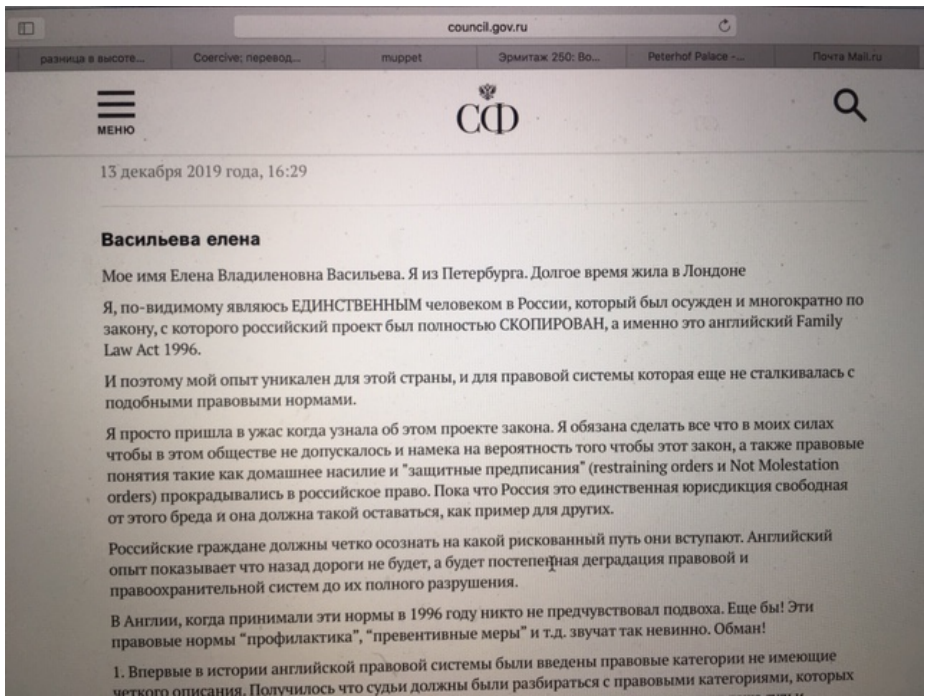
1. *For the first time in the history of the English legal system, legal categories were introduced without clear definition. Judges had to deal with legal categories that did not exist. And police officers had to enforce orders whose meaning even judges did not understand.*

2. *This led to the gradual DISSOLUTION of legal norms and the degradation of the justice system, as well as the police. Police stopped investigating crimes, except violations of orders.*
3. *When a judge is asked to issue an "order," the judge does not require evidence (since it is "for prevention"!). But later, in the future, those allegations stated in the application were already used as if proven.*
4. *Then comes the notion of "emotional harm." Judges will be required, through "orders," to "protect the victim from the risk of emotional harm." The judge risks consequences if he does not protect.*
5. *In conditions of legal confusion, in the absence of legal norms and with vague concepts, but with the possibility of involving the police (who are obliged to react), like harmful bacteria, lawyers begin to multiply, offering wealthy clients services consisting essentially of intimidating a person on their command and for other forms of abuse.*
6. *In my case, my "ex," [redacted] at that time a prominent figure in London's City, when I had already left London and was living peacefully in Russia, hired two teams of expensive City lawyers (Siaobhan Lomasney, Philip Morton of DMH Stallard, and Nick Brett, Iain of Wilson BrettWilson). These individuals, in my absence, without notifying me, through manipulations with the wording of "draft protective orders," obtained two court orders which, in fact, made it impossible for me to participate in proceedings that concerned John, his business partner, and other persons, most of whom I do not even know (!), [redacted], etc., as well as the financial company they owned (all this under the cover of domestic violence law, under domestic violence).*

This was despite the fact that I lived abroad and bothered no one.

The first ruling, No. FD14F00086 of 31 January 2014, signed by Judge Hughes (Her Honour Judge Hughes QC) of the Central Family Court, was issued without notifying me, in violation of all procedural rules, and I am still fighting it. Clearly, she did not even read, or rather did not understand, the meaning of what she was signing. The second, already framed as "protecting against harassment," was issued against me by Westminster Magistrates' Court on 6 January 2016. That order was complete nonsense, and I am also fighting it.

Since then, I have been arrested three times at Heathrow Airport. I continue to fight with the English system, which has entangled itself.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МЕНЮ

СФ

13 декабря 2019 года, 16:29

Васильева елена

Мое имя Елена Владиленовна Васильева. Я из Петербурга. Долгое время жила в Лондоне

Я, по-видимому являюсь ЕДИНСТВЕННЫМ человеком в России, который был осужден и многократно по закону, с которого российский проект был полностью СКОПИРОВАН, а именно это английский Family Law Act 1996.

И поэтому мой опыт уникален для этой страны, и для правовой системы которая еще не сталкивалась с подобными правовыми нормами.

Я просто пришла в ужас когда узнала об этом проекте закона. Я обязана сделать все что в моих силах чтобы в этом обществе не допускалось и намека на вероятность того чтобы этот закон, а также правовые понятия такие как домашнее насилие и "защитные предписания" (restraining orders и Not Molestation orders) прокрадывались в российское право. Пока что Россия это единственная юрисдикция свободная от этого бреда и она должна такой оставаться, как пример для других.

Российские граждане должны четко осознать на какой рискованный путь они вступают. Английский опыт показывает что назад дороги не будет, а будет постепенная деградация правовой и правоохранительной систем до их полного разрушения.

В Англии, когда принимали эти нормы в 1996 году никто не предчувствовал подвоха. Еще бы! Эти правовые нормы "профилактика", "превентивные меры" и т.д. звучат так невинно. Обман!

1. Впервые в истории английской правовой системы были введены правовые категории не имеющие четкого описания. Получилось что судьи должны были разбираться с правовыми категориями, которых

Screenshot published on Russian Duma website by Elena Vassilieva uring public consultation on Domestic Violence Act in Decembre 2019

Concluding Reflection of the Author

According to the author, the above example demonstrates two essential points.

First, Russian citizens were raised in a different legal tradition. They were accustomed to vigilance in defending their rights. They also believed that their government would remain attentive to public opinion.

For this reason, they were able to block legislation that in Britain had passed with little resistance back in 1996. That moment in Britain marked

the beginning of systemic degradation.

Russians were subjected to a similar campaign of indoctrination as the British. Yet they retained enough clarity to see through the rhetoric. They recognized the threat to their fundamental rights.

Second, this sheds light on the seemingly inexplicable and persistent hostility of the British authorities toward Russia—a country that has done them no harm. The author, like many Russians, is left asking: what lies at the root of such enduring animosity? Perhaps the answer is found in the very character of the Russian people, who have historically refused to tolerate even the slightest deception or encroachment upon their rights. Such a nation inevitably stands as a natural obstacle to the advancement of globalist projects aimed at establishing total control over individuals.

This critique is not directed against the citizens of Britain themselves, but rather against the political and financial forces for whom Britain has long functioned as a global bastion of financial globalism. It is these forces—struggling to preserve their power and survival—that perceive Russia as an insurmountable barrier to their designs for a universal system of control

ATTACHMENTS

The Evolution of Prohibitive Orders in British Domestic Abuse Law (1976–2021)

Year	Law and Order Type	Key Features
1976	**Domestic Violence and Matrimonial Proceedings Act 1976** *Non-molestation orders*	First legal mechanism against *wife battering* and domestic violence. Applicable only to married or cohabiting couples. Breach was not a criminal offence
1996	**Family Law Act 1996** *Non-molestation orders* *Occupation orders*	Expanded eligibility to former partners, unmarried couples, and family members. *Occupation orders* allowed courts to remove a person from the home. Still civil in nature; enforced through civil contempt proceedings. S. 45 allows prohibitions and restrictions to be imposed on a person without notice.
2004 *(in force from 2007)*	**Domestic Violence, Crime and Victims Act 2004**	Breach of a *non-molestation order* became a **criminal offence** (up to 5 years' imprisonment). Marked a shift from civil protection to punitive enforcement
2015	**Serious Crime Act 2015** Introduction of *coercive and controlling behaviour* offence	Criminalised non-physical forms of abuse. Introduced subjective criteria for abuse based on emotional impact. Significantly broadened state intervention in private life
2021	**Domestic Abuse Act 2021** *Domestic Abuse Protection Notices (DAPNs) Domestic*	Replaced previous civil orders with a unified regime. DAPNs can be issued by police without court

Year	Law and Order Type	Key Features
	Abuse Protection Orders (DAPOs)	application. DAPOs can impose wide-ranging restrictions. Restrictions imposed on the person in not limited. Any rights of fredoms may be subjected to prohibition. clear limits on which rights or freedoms may be curtailed—any personal liberty may be subject to prohibition. This means the system no longer guarantees the realisation of an individual's rights, including fundamental ones. There is no legal requirement for a DAPO to be linked to criminal charges or a finding of guilt. At the request of an applicant—not necessarily the victim, but any third party—the subject of an order may be required to wear an electronic tag to monitor their movements. For the first time in British legal history, a innocent person, against whom no criminal charges have been brought, may be subjected to polygraph test (lie detector). The legislation contains elements that undermine the principle of non-retroactivity of law. It also permits the expansion of the extraterritorial jurisdiction of British courts. The central and active role of the victim in initiating proceedings has been effectively removed. The state can now act independently, without the victim's participation or even consent. A network of informants is being institutionalised. Any individual may be subjected to an order requiring them to monitor another person's behaviour and report perceived violations to the police. There is no requirement for a victim to initiate proceedings. Protective orders may be pre-emptively imposed by authorities, even in the complete * of a complaint or identifiable victim.

Detailed Timeline Table: "From Guilt to Risk — The Evolution of Judicial Logic in the United Kingdom (1990–2025)"

This comprehensive chronological table illustrates the key stages and paradigm shifts in British judicial thinking over the past three decades. It charts the steady movement away from a classical model of criminal responsibility—based on individual guilt, due process, and evidentiary standards—towards a new architecture of preventive justice, built on the logic of risk management, behavioural control, and pre-crime intervention. The entries below reflect both legal and ideological transformations that have fundamentally altered the foundations of justice, individual rights, and the relationship between the state and its citizens.

Year / Period	Key Event / Legislation	Main Shift in Judicial Logic	Consequences for Justice and Civil Liberties
1990–1996	Family Law Reforms; Part IV of the Family Law Act 1996	Introduction of civil "protective" orders (non-molestation and occupation orders) that required only a civil standard of proof (balance of probabilities), while their breach incurred criminal penalties	Marked the first major departure from criminal procedure toward administrative control mechanisms; enabled state intrusion into private family life without the safeguards of a criminal trial; blurred the civil-criminal divide
1997	Protection from Harassment Act 1997	Codified vague and broadly defined terms such as "harassment" and "course of conduct"; created hybrid remedies enforceable both civilly and criminally	Legalised punishment based on subjective experience rather than objective criminal acts; created fertile ground for indefinite interpretation and misuse; weakened evidentiary standards; eroded legal clarity
2000–2004	Practical institutionalisation of	Widespread use of restraining orders and civil injunctions with	Strengthened executive powers and administrative sanctions; weakened

Year / Period	Key Event / Legislation	Main Shift in Judicial Logic	Consequences for Justice and Civil Liberties
	hybrid sanctions	criminal sanctions for breach; expansion of informal measures like Police Information Notices (PINs) issued without court scrutiny	procedural protections for the accused; broadened the scope of policing into non-criminal disputes; justice increasingly bypassed the courtroom
2004–2010	Consolidation of the preventive control model	Introduction of new categories of behavioural orders; growing reliance on judicial discretion as a tool of social regulation rather than legal adjudication	The justice system took on a predictive and managerial role, increasingly detached from criminal law's foundational principles such as presumption of innocence and adversarial trial; increased discretion created a climate of arbitrary justice Justice began addressing future threats rather than past guilt, weakening adversarial safeguards.
2011–2015	Criminalisation of coercive control via the Serious Crime Act 2015	Official recognition and criminalisation of non-physical, often subjectively interpreted behaviours like emotional manipulation or psychological coercion	Expanded the definition of criminal conduct into intangible and emotional domains; allowed law to adjudicate internal states and relational dynamics; reinforced a new protective ideology, where subjective claims can trigger state sanctions
2016–2020	Expansion of digital policing and protective surveillance	Introduction of Domestic Abuse Protection Orders (DAPOs); increased reliance on electronic	State surveillance entered everyday domestic and emotional life; the individual was subjected to continuous risk-assessment; data-driven

Year / Period	Key Event / Legislation	Main Shift in Judicial Logic	Consequences for Justice and Civil Liberties
		monitoring, predictive policing tools, and digital surveillance technologies	governance replaced presumption of innocence; massive privacy erosion
2021	Domestic Abuse Act 2021	Codified a wide and indeterminate range of behaviours as forms of "abuse" subject to criminal punishment; embedded protective ideology into law	Cemented the legal structure of preventive justice; created a framework for punishing individuals without a criminal trial or clear charges; institutionalised legal dispossession under the pretext of safeguarding
2022–2025	Introduction of Serious Harm Prevention Orders (SHPOS), Crime and Policing Act 2022, expansion of algorithmic justice	Transition toward fully digitalised and predictive models of behavioural control; increased reliance on algorithms, risk assessments, and AI-driven behavioural predictions; formal development of pre-crime tools	A new regime of automated behavioural governance emerges, where risk displaces guilt and law becomes a mechanism of pre-emptive social control; individuals are no longer legal subjects, but objects of algorithmic surveillance and risk regulation

Summary and Analytical Highlights:

- 1990–1997: This period marked the initial departure from classical criminal law, as hybrid civil-criminal measures were introduced, permitting punishment based on a lower burden of proof, and without the protections of criminal procedure.
- 1997–2010: The British legal system underwent a silent yet foundational transformation. The line between civil and criminal jurisdictions was steadily erased, and state control was extended into personal and domestic domains through orders and injunctions.

- 2011 onwards: The scope of criminal liability was expanded to include subjective, emotional, and non-material forms of harm, fundamentally altering the definition of crime itself. Law began to focus not on acts, but on perceived behaviours, patterns, and intentions.
- From the 2020s: The rise of digital justice heralds a new era in which algorithms, databases, and behavioural forecasts guide judicial and police decisions. This shift represents the culmination of three decades of legal transformation: a justice system that once responded to crime now anticipates it, and punishes based on potential threat rather than actual guilt.

Comparative Overview of Domestic Abuse Legislation and the Criminalization of Undefined Acts

Category	United Kingdom	EU Countries	Comment
Preventive control	Yes, through DAPO, SHPO, SRO, etc.	Exists, but limited to specific cases and categories	In the UK, intervention is universal; in other countries, it is selective
Legal uncertainty	High: terms like "abuse," "harm," "risk" can be interpreted very broadly	Medium: terms are legally defined, though some ambiguity remains	The UK gives the judiciary almost unlimited discretion in application
Subjects affected	Any citizen can be the target of an order	Usually a specific group: family members, spouses, children	The UK applies to everyone, not limited to relatives
Criminal consequences for violation	Yes, breaching a civil order leads to criminal liability	Usually no; measures remain administrative	In the UK, civil tools effectively carry criminal penalties
Institutional	Police, courts,	Partial: police,	In the UK, the system is

Category	United Kingdom	EU Countries	Comment
coverage	schools, NGOs, algorithmic risk models	courts, social services	integrated across state institutions
Scope of intervention	Universal, systemic	Localized, targeted	The UK is unique in terms of reach and comprehensiveness

Conclusion:

The United Kingdom stands out as the only country where preventive legal mechanisms have evolved into a truly universal system of control. Unlike Russia, Hungary, or Italy, where interventions remain targeted and legally defined, the UK framework—through orders such as DAPO, SHPO, and SRO—applies to any citizen, carries criminal consequences for breaches, and integrates multiple state and quasi-state institutions. This creates unprecedented legal uncertainty, granting judges broad discretion to criminalize actions not explicitly prohibited by law. In effect, Britain has institutionalized a system in which prevention, rather than proven wrongdoing, governs individual liberty.

No one can doubt it: the United Kingdom has laid the foundations of a totalitarian state. "Protection" now means control—any citizen can be restricted, monitored, or punished without crime or trial. Rights exist only on paper; obedience replaces justice. Silence is no longer safe, and freedom itself has become a preemptive offence.

THE AUTHOR

Elena Vassilieva is an independent researcher and author, devoted to exposing the hidden mechanisms within the British legal system. Her findings are based not solely on theory, but on her own unique practical experiment, tracing the covert, systemic unraveling of British law—set in motion under the seemingly benign rhetoric of "prevention."